

PLANNING COMMISSION

HANDOUTS

JUNE 23, 2015

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Planning Commission Hearing

June 23, 2015

LATE BACK UP

Items #1 & 2: NPA-2015-0027.01 &

C14-2015-0023 – 1506 W. 34th Street

Item #3: NPA-2015-0016.01 – 500 Shady Lane

Item #1

PC Hearing June 23, 2015
Late Back-up
Planning Commission hearing: June 23, 2015

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Central West Austin Combined

CASE#: NPA-2015-0027.01

DATE FILED: February 25, 2015 (In-cycle)

PROJECT NAME: 1506 W. 34th Street

PC DATE: June 23, 2015

ADDRESS: 1506 W. 34th Street

★ **DISTRICT AREA:** 10 (Corrected Council District)

SITE AREA: 8,536 sq. ft.

OWNERS/APPLICANT: Farshid & Jennifer Lee Paradian

AGENT: Jennifer Paradian

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Neighborhood Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2015-0023

From: SF-3-NP

To: LO-MU-NP*

(*On May 29, 2015, applicant revised zoning change request from LR-MU-NP to LO-MU-NP)

NEIGHBORHOOD PLAN ADOPTION DATE: September 23, 2010

PLANNING COMMISSION RECOMMENDATION: (Pending)

STAFF RECOMMENDATION: Staff recommends Mixed Use/Office land use instead of the applicant's request for Neighborhood Mixed Use.

BASIS FOR STAFF'S RECOMMENDATION: Staff recommends Mixed Use/Office land use instead of the applicant's request for Neighborhood Mixed Use because the property is one of four remaining lots on this immediate block, in addition to the larger area, with single family land use. Regarding zoning, of the seven lots on the block facing Bryker Woods Elementary School,



THE BRYKERWOODS NEIGHBORHOOD ASSOCIATION

Board of Directors

June 23, 2015

August W. Harris III
President

Danette Chimenti, Chair
Planning Commission
City of Austin
505 Barton Springs Rd, 5th Floor
Austin, TX 78704

Annette Graves
Secretary

Bill Woods
Treasurer

Re: Property Address: 1506 W. 34th Street
NPA-Case # NPA-2015-0027.01
Zoning Case # C14-2015-0023

Celeste Hubert
Newsletter Editor

Dear Chair Chimenti and Members of the Planning Commission:

Joyce Basciano
BoA, RDCC

We are distressed that the letter from the Bryker Woods Neighborhood Association dated April 24th, 2015 to the City of Austin was not included in your backup materials. In that letter, we advised Ms. Meredith that we unanimously opposed both the plan amendment and the zoning case referenced above. We note that the Central West Austin Combined Neighborhood Contact Team also opposed both. We respectfully request that you either postpone the hearing in this matter or oppose both this flawed plan amendment and zoning case.

Derek Barcinski
HRC

At Large

Sean Carnegie
Wendy Carnegie
Michael Curry
Jeff Ersig
Irene Pickhardt
Hal TenBrink
Greg Underwood

We are befuddled that planning staff has provided you with misinformation in its Neighborhood Plan Review Sheet directly contradicting its own public recommendation to the Commission and to the City Council when our neighborhood plan was adopted. To suggest that staff expressly reserved the right "if the opportunity arose" to undermine those decisions in the future undermines the integrity of the planning process and those who are responsible for it.

The applicants' request for a Central West Austin Combined Neighborhood Plan Amendment from Single Family to Neighborhood Mixed Use and their requested zoning change from SF-3-Np to LR-MU-NP were considered by our Board on April 21, 2015. The Board voted unanimously to oppose these requests as contrary to the best interests of the neighborhood, the Bryker Woods Elementary School and the community as a whole. That the applicant, at the incomprehensible suggestion of City staff, has amended its application to change the requested zoning to LO-MU-NP does not change or in any way alter the Bryker Woods Neighborhood Association's position in this matter.

1. These applications are in direct conflict with the neighborhood plan – a document developed through community consensus and unanimously approved by both the Planning Commission and the City Council and that took 4 years to complete.

2. There have been no changed conditions since the Plan's adoption in 2010 that would support the requested amendment.
3. Applications such as this serve to undermine the City of Austin's land use planning process. Furthermore, this constitutes both spot zoning and a spot FLUM change that are, in fact, poor examples of thoughtful planning.
4. The proposed change in use, as ethereal as it appears to be given the applicant's indecision as to future use, is merely an attempt to obtain additional entitlements that in turn threaten viable residential use. This is in direct contradiction to the City's stated desire and the public's outcry to preserve and promote housing units in the central city.
5. The property is not appropriately located for commercial use. It is ideal, however, for residential use. The property is in the middle of the block across the street from our neighborhood elementary school.
6. The lot is not large enough to support a combination of commercial and residential uses as evidenced by the fact that there is no space for adequate onsite parking. The Code requires that a land use provide for on-site parking. This application if granted would violate the Code. In fact, recognizing this violation, the applicant has stated that she will seek a variance to evade her responsibility to provide sufficient on-site parking.
7. Adding additional cars will further aggravate the traffic/parking conditions on 34th Street because of its adjacency to our neighborhood elementary school. It would serve to further impair the parking available for parents and teachers and adversely impact the safety of children, parents, teachers and staff.

We respectfully request that the City deny these applications and support the community in its continuing effort, as reflected in the Neighborhood Plan, to preserve the Bryker Woods neighborhood and protect the Bryker Woods Elementary School from unnecessary and harmful land speculation.

Thank you for your work on behalf of the citizens of Austin.

Respectfully submitted,

August W. Harris III
President
Bryker Woods Neighborhood Association

Meredith, Maureen

Item # 1 of 2

To: Michael R. Cannatti

Subject: RE: June 23 Planning Commission Meeting -- Item 1 :: Central West Austin Neighborhood Plan Amendment Case No. NPA-2015-0027.01 (1506 W. 34th St.)

RECEIVED
6/22/15

From: Michael R. Cannatti

Sent: Monday, June 22, 2015 12:54 PM

To: 'dchimenti@austin.rr.com'; Chimenti, Danette - BC; 'commjms@'; Stevens, Jean - BC; 'mnrghatfield@'; 'alfonsohernandez@'; Hernandez, Alfonso - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; 'bc-Myron.Smith@austintexas.gov'; 'jjack2@'; Shieh, James - BC

Cc: Meredith, Maureen; wang-board@

Subject: RE: June 23 Planning Commission Meeting -- Item 1 :: Central West Austin Neighborhood Plan Amendment Case No. NPA-2015-0027.01 (1506 W. 34th St.)

Honorable Members of the Planning Commission:

The Central West Austin Neighborhood Plan Contact Team (PCT) has voted to oppose the requested amendment to our Future Land Use Map (FLUM) for 1506 W. 34th Street to change the FLUM from "Single Family" to "Neighborhood Mixed Use" because the FLUM amendment directly conflicts with specific guidance in our recently completed neighborhood plan and FLUM regarding the desired development and land use at this site. In the attached letter dated April 7, 2015, our PCT stated our opposition to the requested FLUM amendment.

Only recently, we learned that Staff is recommending yet another FLUM amendment (Mixed Use/Office), though we have not been afforded an opportunity to respond to Staff's last minute recommendation. Based on our initial review, Staff's "recommendation" for "Mixed Use/Office," which is being made to support Applicant's amended zoning request for LO-IU-NP, amounts to an untimely and improper FLUM amendment which was not filed "in cycle" and which was not filed by a code-authorized applicant. See, LDC § 25-1-803.

In addition, it appears that the required criteria for staff recommendation have not been taken into account since Staff has not taken into consideration "feedback from the stakeholders about the proposal, the contact team recommendation, and language in the plan that is relevant to the proposed amendment." See, City of Austin Neighborhood Plan Amendment Application Packet. Regarding these criteria, it is noted that none of the stakeholders proposed "Mixed Use/Office" for this site. In addition, the contact team recommendation does not support "Mixed Use/Office" for this site. Lastly, the proposed "Mixed Use/Office" land use is in direct conflict with the relevant language in the plan which expressly designates the area between 34th and 35th Streets and Jefferson Street and Mills Avenue to "remain small-scale neighborhood office and residential uses that are harmonious with the Bryker Woods Elementary School and the existing single family neighborhood." See, Land Use Recommendation 2.8 ("Retaining the converted single-family homes is desirable. Returning these structures to single-family residential use would also be welcome by the neighborhood.").

In addition to the foregoing, the proposed FLUM amendments by Applicant and Staff must be denied because the applicant has not demonstrated the "recommendation criteria" for a plan amendment, as required for a plan amendment. LDC § 25-1-810.

For the foregoing reasons, the Central West Austin PCT supports keeping the existing "single family" land use designation for the property at 1506 W. 34th Street, and opposes the requested "Neighborhood Mixed Use" and "Mixed Use/Office" FLUM amendment.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti

CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

April 7, 2015

Organized 2010

"To facilitate the implementation of the Central West Austin Combined Neighborhood Plan."

OFFICERS

Michael Cannatti
Chair

August Harris
Vice Chair

Joyce Basciano
Secretary

EXECUTIVE COMMITTEE

Michael Curry
Craig Duewall
Roya Johnson
Jerry Lloyd
Mark Nixon
Blake Tollett
Betty Trent
Diane Umstead
Tina Weinberger
Vivian Wilson

City of Austin - Planning & Development Review Dept.
c/o Maureen Meredith
City of Austin Planning Commission
505 Barton Springs Rd.
Austin, Texas 78704

RECEIVED
6/22/15

Re: Neighborhood Plan Amendment Case No. NPA-2015-0027.01(1506 W. 34th St.)

Greetings:

The Central West Austin Neighborhood Plan Contact Team (PC1) has voted to oppose the requested amendment to our Future Land Use Map (FLUM) for 1506 W. 34th Street because the FLUM amendment directly conflicts with specific guidance in our recently completed neighborhood plan and FLUM regarding the desired development and land use at this site. The vote was 7-0 against with one abstention.

In 2010, our neighborhood plan (NP) was approved by the Planning Commission and City Council to provide our community's vision for how growth and development should occur in our planning area. As you may recall, the major issue that drove the planning process was the potential development of UT's Brackenridge Tract and the Austin State School properties. In the planning process, we sought to plan for this growth and account for its presence throughout the NP process, but to otherwise protect the character of the existing residential and commercial areas since there will most certainly be significant residential, mixed use, and commercial development in these tracts. Thus, our plan clearly recognizes that there will be growth, and attempts to provide guidance on where and how that growth should occur, but otherwise seeks to preserve the neighborhood's current residential character and supporting commercial services until the larger tracts are developed.

As "stewards of the adopted neighborhood plan," our NPCT role is to help implement the plan's vision for protecting Central West Austin as a "mature, stable and diverse community that includes a collection of four predominantly single family neighborhoods supporting and supported by small-scale businesses, with tree-lined streets and local schools, history, and amenities, all of which are worthy of protection." NP, p. 9. On this point, our plan expressly designates the area between 34th and 35th Streets and Jefferson Street and Mills Avenue to "remain small-scale neighborhood office and residential uses that are harmonious with the Bryker Woods Elementary School and the existing single family neighborhood." See, Land Use Recommendation 2.8 ("Retaining the converted single-family homes is desirable. Returning these structures to single-family residential use would also be welcome by the neighborhood."). This property and the adjoining homes are the residential uses the plan envisioned and are expressly so designated on the Future Land Use Map. Indeed, the FLUM for this part of the neighborhood was discussed in three separate meetings where stakeholders expressed concerns about protecting the elementary school (located across the street from this property) from new commercial activity. Finally, it is noted that the proposed land use (Neighborhood Mixed Use) in the proposed plan amendment does not conform to our plan's recommended

location for neighborhood mixed use. See, NP, L.4.4.

At the NPCT meeting to discuss Case No. NPA-2015-0027.01, NPIC Executive Committee members asked questions about the application and the information requested from applicants in the NPCT bylaws. The discussion covered the context of the property, the presence of serious parking constraints at the site for the proposed coffee house, real concerns about traffic for proposed retail use given the narrow street, the history of the neighborhood plan discussions and guidance for this area, concerns about the requested retail zoning being flipped by the applicant given the somewhat undefined plans for the project, surrounding school and commercial uses and traffic concerns, and the demonstrated viability of current residential use and zoning. NPCT members also noted that the subject property is one of four single family homes in the middle of that block which across the street from Bryker Woods Elementary school and located on a steep hill. NPCT members also noted that the increased demand for housing makes the current residential use even more appropriate and consistent with the stated policy of the City to preserve and promote housing units in the central city. The subject property is simply not large enough to support a combination of commercial and residential due to the parking requirements, and the presence of the elementary school across the street from the property weighs against changing the use to Neighborhood Mixed Use due to the presence of elementary school children crossing the street and required on-street parking for parents. In short, the existing conditions would make it unsafe to add the traffic and parking required by the proposed FLUM amendment and associated retail zoning. There is no precedent for local retail located at this part of West 34th Street.

As seen above, there is *substantial* guidance from our neighborhood plan that we should protect, preserve, and promote the single-family land use at this site by retaining the existing residential uses that are harmonious with the Bryker Woods Elementary School and the existing single family neighborhood. In addition, there is ample guidance from our neighborhood plan on where neighborhood mixed use should be located in the planning area, none of which points to this part of West 34th Street as an appropriate location.

In short, we do not see any good policy reason to change the community's land use decision or FLUM for this tract or by extension for that area. There are no changed circumstances since our NP was adopted in 2010. Nor is there any equitable argument for the FLUM change. When it was all boiled down, Applicant's FLUM amendment seeks to change a long term planning decision from our NP so that the Applicant could see if a coffee shop business could be located on their property. That is not planning. And that is not our vision or plan for the neighborhood.

For the foregoing reasons, the Plan Contact Team (PCT) for the Central West Austin Neighborhood Plan supports keeping the existing "single family" land use designation for the property at 1506 W. 34th Street, and opposes the requested Neighborhood Mixed Use FLUM amendment.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti
Chair, Central West Austin Neighborhood Plan Contact Team

PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website:

<http://www.austintexas.gov/department/neighborhood-planning>.

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin

Planning and Zoning Department

Maureen Meredith

P. O. Box 1088

Austin, TX 78767-8810

RECEIVED
6/19/15

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2015-0027.01

Contact: Maureen Meredith

Public Hearing: Jun 23, 2015, Planning Commission

Aug 13, 2015, City Council

☐ I am in favor
☒ I object

Shannon D Dowell

Your Name (please print)

1512 W 35th Street Cutoff #100

Your address(es) affected by this application

[Signature]

Signature

Date

6/15/15

Comments:

PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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PUBLIC HEARING COMMENT FORM

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City of Austin

Planning and Zoning Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

RECEIVED
6/22/15

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2015-0016.01

Contact: Maureen Meredith

Public Hearing: Jun 23, 2015, Planning Commission
Aug 13, 2015, City Council

☒ I am in favor
☐ I object

DAVID DAWY

Your Name (please print)

5005 E. 54th St

5014, 5016, 5018 E. CERRILLO ST.

Your address(es) affected by this application

Signature

Date

Comments: WE ARE IN FAVOR AS
LONG AS NOBODY ASSOCIATED
WITH THIS PROJECT HAS A
PROBLEM WITH THE BUILDING
& OPPOSING OF A BAR OR
RESTAURANT ACROSS E. 54th
St.

Major Proposed Parkland Dedication Code Changes
§25-1-601 to 25-1-607

| Code Section | Current Concept | Proposed Concept | Explanation |
|--|--|--|--|
| § 25-1-601 – APPLICABILITY (exemptions) | <p>The Code allows 5 exemptions:</p> <p>(1) a final plat that does not require a preliminary plan for fewer than five lots.</p> <p>(2) a resubdivision that does not increase the number of dwelling units or lots by more than three;</p> <p>(3) a subdivision for which a preliminary plan was approved after June 30, 1984 and before July 8, 1985;</p> <p>(4) a subdivision or site plan within a MUD that has a consent agreement related to parks; and</p> <p>(5) a subdivision or site plan for which parkland was previously dedicated or payment made, except for the dwelling units or lots not paid</p> | <p>The proposed Code would <u>delete</u> the first three exemptions</p> <p>It would add as exemptions</p> <ul style="list-style-type: none"> • affordable dwelling units, and • subdivisions in the City's extraterritorial jurisdiction that are within Travis County and governed by Title 30 (Austin/Travis County Subdivision Regulations) | <ul style="list-style-type: none"> • Simplifies when the ordinance is applicable and removes special cases. • Moves language from another section to the Applicability section so it is clear that affordable units are exempt • Moves language from another section to the Applicability section so it is clear that subdivisions in the City's ETJ in Travis County are subject to Title 30, not Title 25 |
| § 25-1-602– DEDICATION OF PARKLAND | <p>Uses a formula that incorporates 5 acres per 1,000 residents as the existing parks level of service.</p> | <p>Changes the formula to the current level of service which is <u>9.4</u> acres per 1,000 residents.</p> | <ul style="list-style-type: none"> • Updates 1985 ordinance to the current amount of neighborhood parkland provided in the City. Formula is Park Acres / (Population/1,000) |

Parkland Dedication Proposed Ordinance Summary
Parks and Recreation Department
Planning and Development Division

UPDATED TABLE COMPARISON
Planning Commission
June 23, 2015


| Code Section | Current Concept | Proposed Concept | Explanation |
|--|--|---|--|
| § 25-1-604 – PRIVATE PARKLAND | Excludes yards, setback areas, and open spaces from counting toward parkland dedication. | Excludes <u>private personal</u> open space, but does not exclude <u>private common</u> open space as a possibility for parkland dedication credit. Allows recreational easements and parkland dedication in a setback area if needed for connectivity to a park or to an existing or planned urban trail. | <ul style="list-style-type: none"> Creates an option to consider private common open space designed as active and open to the public for parkland dedication. |
| § 25-1-605 – PAYMENT INSTEAD OF LAND. | <p>Fee = number of dwelling units X the parkland cost for each dwelling unit</p> <p>The Parkland Cost for each dwelling unit is based on a report by the city manager that analyzes the costs of acquiring and developing parkland and determines the proportionate share of those costs attributable to new residential development</p> <p>Ordinance 20070621-027, Part 4 set the fee at \$650 per dwelling unit and instructs the city manager to prepare a report every three years</p> | <p>Codifies a formula for calculating the fee in-lieu of land by establishing a “Parkland Cost Factor” of average land prices and a “Parkland Level of Service”</p> <p>Nullifies Ordinance 20070621-027, Part 4 and establishes an annual review of the fee to be placed in the City’s Annual Fee Schedule</p> <p>(See Proposed Parkland Fee Calculation Methodology Worksheet)</p> | <ul style="list-style-type: none"> Establishes a formula that can be easily reviewed and updated Places the fee in the City’s fee schedule and allows the fee to be updated annually based on current costs. |
| § 25-1-606 – PARKLAND DEVELOPMENT FEE (New Section) | Existing fee pays for land acquisition and development of that land. | <p>Codifies a formula for a parkland development fee by establishing a “Park Development Cost Factor” (average cost of park facilities) and a “Park Facilities Level of Service”</p> <p>Allows for the building of amenities in-lieu of paying the development fee</p> | <ul style="list-style-type: none"> Establishes a formula for a park construction fee Codifies the ability to build recreation amenities open to the public as part of their parkland dedication (often done in PUDs) |



AFFORDABILITY IMPACT STATEMENT
NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT
CITY COUNCIL AGENDA:
RESOLUTION NO: 20141211-219

C5

| | |
|--|--|
| PROPOSED CODE AMENDMENT: | PARKLAND DEDICATION AND PARK DEVELOPMENT FEES: AMENDMENTS TO CITY LAND DEVELOPMENT CODE CHAPTER 25-1 TO ORDINANCE NO. 20070621-027 |
| IMPACT ON IMPLEMENTATION OF IMAGINE AUSTIN VISION, GOALS AND PRIORITIES RELATED TO HOUSEHOLD AFFORDABILITY | <p><input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL</p> <p>IMAGINE AUSTIN DOES NOT STATE A DIRECT CORRELATION BETWEEN PRIORITY PROGRAM 6, DEVELOP AND MAINTAIN HOUSEHOLD AFFORDABILITY THROUGHOUT AUSTIN, AND PARKLAND, HOWEVER THERE ARE STATEMENTS THAT RECOGNIZE THE IMPORTANCE OF CO-LOCATING AFFORDABLE HOUSING AND DAILY NECESSITIES SUCH AS RECREATIONAL OPPORTUNITIES (P.201). INCREASED PARKLAND DEDICATION REQUIREMENTS COULD RESULT IN MORE PARKLAND AND PARK AMENITIES WITHIN GREATER PROXIMITY TO MORE HOUSEHOLDS OF ALL INCOME LEVELS.</p> |
| LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT | <p><input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL</p> <p>THERE IS NO ANTICIPATED IMPACT ON LAND USE OR ZONING</p> |
| IMPACT ON COST OF DEVELOPMENT | <p><input type="checkbox"/> POSITIVE <input checked="" type="checkbox"/> NEGATIVE <input type="checkbox"/> NEUTRAL</p> <p>THE PROPOSED CHANGES WILL RESULT IN INCREASED PARKLAND DEDICATION OR FEE COSTS FOR ALL DEVELOPMENT TYPES. THIS FEE INCREASE WILL IMPACT THE OVERALL COST OF DEVELOPMENT AND THEREFORE COULD HAVE A NEGATIVE IMPACT ON THE COST OF HOUSING TO RESIDENTS.</p> <ul style="list-style-type: none">• THE PROPOSED AMENDMENTS WILL INCREASE THE AMOUNT OF PARKLAND REQUIRED TO BE DEDICATED TO THE CITY.• THE PROPOSED AMENDMENTS WILL INCREASE THE PARKLAND DEDICATION FEE FOR LOW AND MEDIUM DENSITY DEVELOPMENTS.• THE PROPOSED CHANGES WILL MINIMALLY DECREASE THE PARKLAND DEDICATION FEES FOR HIGH DENSITY.• THE PROPOSED CHANGES ALSO ADD AN ADDITIONAL PARK DEVELOPMENT FEE APPLICABLE TO ALL TYPES OF DEVELOPMENT. |
| IMPACT ON PRODUCTION OF AFFORDABLE HOUSING | <p><input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL</p> <p>THE PARKLAND DEDICATION REQUIREMENT IS WAIVED FOR UNITS WITHIN A S.M.A.R.T. HOUSING CERTIFIED DEVELOPMENT THAT MEET THE REASONABLY-PRICED HOUSING REQUIREMENT OF PROVIDING UNITS AFFORDABLE TO HOUSEHOLDS AT 80% MEDIAN FAMILY INCOME OR BELOW FOR 5 YEARS IF IT IS A RENTAL UNIT OR 1 YEAR IF IT IS AN OWNERSHIP</p> |

| | |
|---|--|
|  | <p>UNIT. ARTICLE 14, SECTION 25-1-601(C)(3)</p> <p>THE INCREASED FEE COULD RESULT AS GREATER INCENTIVE FOR PARTICIPATION IN THE S.M.A.R.T. HOUSING PROGRAM AS THE FEE WAIVER WILL HAVE A GREATER FINANCIAL IMPACT ON OVERALL DEVELOPMENT COSTS THAN IT WOULD IF THE FEE WERE TO REMAIN THE SAME.</p> |
| <p>PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:</p> | <p>AS STATED ABOVE, THE INCREASE IN PARKLAND DEDICATION REQUIREMENT AND FEE IN-LIEU AMOUNT INCREASE COULD HAVE A NEGATIVE IMPACT ON THE COST OF HOUSING TO RESIDENTS WHO ARE NOT ABLE TO SECURE AN INCOME RESTRICTED UNIT.</p> |
| <p>ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:</p> | <p>N/A</p> |
| <p>OTHER HOUSING POLICY CONSIDERATIONS:</p> | |
| <p>DATE PREPARED:</p> | <p>JUNE 22, 2015</p> |
| <p>DIRECTOR'S SIGNATURE: _____</p> | |

Parkland Dedication Code Amendment

Randy Scott, Park Development Coordinator
City of Austin Parks and Recreation Department

Presented to Codes and Ordinances Committee
of the Planning Commission

June 16, 2015

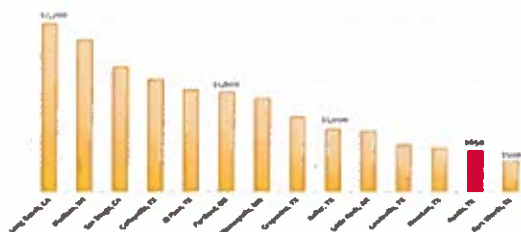


What is Parkland Dedication

- Parkland dedication is a local government requirement imposed on subdivision developers or builders, mandating that they dedicate land for a park and/or pay a fee to be used by the government entity to acquire and develop park facilities.
- The philosophy is that because new development generates a need for additional park amenities, the people responsible for creating that need should bare the cost of providing the new amenities.

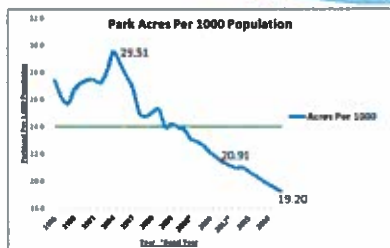
Background

- Austin's fee ranks among the lowest in the country



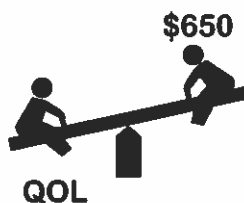
Background

- Austin parkland acres are not keeping pace with city's growth



Background

- \$650 per unit does not cover costs of land plus development



Council Resolution No. 20141211-219

December 11, 2014, Austin City Council directed City Manager to:

- Develop an ordinance that implements the recommendations regarding PLD fee-in-lieu, Park Development Fee, and a land dedication requirement
- Develop an ordinance that implements the staff recommendation to integrate PLD fees into the Annual Fee Adoption process of the FY2015-2016 Council Budget
- Explore options for applying PLD requirements to commercial developments, including hotels; and
- Further study the timing for payment of parkland dedication fees

Council Adopted Methodology

- Land costs \$368 for each new resident

FY 2016 Calculation:

\$39,000 per acre (Average)
 865,504 Population / 8,201 Park Acres =
 106 residents per acre
 $39,000 / 106 = \$368$ per person

2.8 PPH X \$368 = \$1,030
 2.2 PPH X \$368 = \$810
 1.7 PPH X \$368 = \$626

Council Adopted Methodology

- Park construction costs \$186 for each new resident

FY 2016 Calculation:


\$800,000 per park (Average)
 865,504 / 201 Parks = 1 park per 4,306 residents
 $800,000 / 4,306 = \$186$ per person

2.8 PPH X \$186 = \$521
 2.2 PPH X \$186 = \$410
 1.7 PPH X \$186 = \$317


Proposed 3-Tiered Fee


Low Density Fee = \$1,551
 Med Density Fee = \$1,220
 High Density Fee = \$943

QOL



New Fee





Stakeholder Input

- Staff held 5 stakeholder meetings between October and January
- Stakeholders invited
 - Real Estate Council of Austin, Austin Apartment Association, the Greater Austin Buildings Association, Downtown Austin Alliance, Executive Board of the Austin Neighborhood Council, and members of the Parks and Recreation Board and the Community Development Commission

Stakeholder Input

- Feedback:
 - Parkland increases Austin's QOL ✓
 - The parkland fee is too low ✓
 - Earlier determination if fee or land is required ✓
 - Credit for park facility construction is desired ✓
 - Fees increase development costs, which in turn decreases affordability ✓
 - It's too difficult on small lots to meet open space and parkland requirements ✓

Proposed Code Amendment

- Removes some exemptions from parkland dedication
- Land requirement = current level of service of 9.4 acres per 1,000 residents
- Establishes a formula for fee in-lieu of land
- Establishes a fee for parkland development
- Fee becomes part of the City's Annual Fee Schedule
- Incentivizes recreation on infill lots by allowing private common open space to count, if designed for active uses and is open to the public

Next Steps

- **June 2015:** Planning Commission considers code amendment
- **August 2015:** Council considers code amendment
- **October 1, 2015:** Council adopts new Fee Schedule
- **October – December 2015:** Educational campaign for internal and external stakeholders
- **January 1, 2016:** New park fees go into effect (grace period gives developers more time to incorporate new fees into project pro formas)

Discussion

Staff contact information:

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CH

ORDINANCE NO.

1 AN ORDINANCE AMENDING CITY CODE CHAPTER 25-1 AND ORDINANCE
2 NO. 20070621-027 RELATING TO PARKLAND DEDICATION AND
3 ASSOCIATED PARKLAND FEES.
4

5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
6

7 PART 1. The City Council makes the following findings:

- 8 A. Core principles of the *Imagine Austin Comprehensive Plan* envision the City of
9 Austin as a healthy community, with ample recreational opportunities and open
10 space integrated into a compact and connected city.
- 11 B. Since 1985, the City of Austin has required new development to dedicate
12 parkland or pay a fee in-lieu of dedication consistent with well-established case
13 law recognizing municipal authority to require parkland dedication.
- 14 C. With the adoption of Resolution No. 20141211-219, the City Council initiated
15 amendments to update the City of Austin's parkland dedication to better
16 achieve the goals of *Imagine Austin* and better align the City's parkland
17 requirements with those of peer cities.
- 18 D. The current fee in-lieu of parkland dedication in Austin has not changed since
19 2007 and is among the lowest in the state and the country.
- 20 E. The City's Parkland Dedication Fee Methodology Report ("Report") issued on
21 November 19, 2014, concluded that the existing parkland dedication fee does
22 not cover costs for acquiring and developing parkland and that the current
23 formula for determining the amount of land required to be dedicated is
24 insufficient to maintain the current quality of life.
- 25 F. Professor John L. Crompton, a Texas expert on Parkland Dedication ordinances,
26 advised the Parks and Recreation Department that a fair parkland dedication fee
27 should maintain existing residents' level of park service and be based on a per-
28 person assessment method.
- 29 G. The amendments adopted by this ordinance reflect the findings in the Report, as
30 well as the advice of Professor Crompton, and will ensure that new growth and
31 development contribute its fair share towards maintaining the City's park
32 system.
33

PART 2. City Code Chapter 25-1, Article 14 (*Parkland Dedication*) is amended to read:

ARTICLE 14. - PARKLAND DEDICATION.

§ 25-1-601 GENERAL PROVISIONS [APPLICABILITY].

(A) The City of Austin has determined that recreational areas in the form of public parks are necessary for the well-being of residents. The City has further determined that the approval of new residential development is reasonably related to the need for additional parkland and park amenities to serve new development. The requirements of this article establish a reasonable method for determining parkland dedication, or the payment of a fee in-lieu of dedication, that is directly related to the need for parkland and facilities necessitated by new development.

(B) Except as otherwise provided in this section [~~Subsections (B) and (C)~~], the parkland dedication requirements of this article apply to:

- (1) a residential subdivision [subdivisions] within the planning jurisdiction;
- (2) a site plan [plans] within the zoning jurisdiction that includes residential units [with three or more dwelling units]; and
- (3) a residential building permit [permits], as provided under Section 25-1-608 [25-1-606] (*Dedication of Land or Payment In-Lieu at Building Permit*).

~~[(B) This article does not apply in the portion of the City's extraterritorial jurisdiction that is within Travis County. Parkland dedication for that area is governed by Title 30 (*Austin/Travis County Subdivision Regulations*).]~~

(C) The following are exempt from the requirements of this article:

- ~~(1) [a plat with not more than four lots designated for a single-family residential use that may be approved without a preliminary plan;~~
- ~~(2) a resubdivision of land that does not increase the number of dwelling units or lots by more than three;~~
- ~~(3) a subdivision for which a preliminary plan was approved after June 30, 1984 and before July 8, 1985;~~
- ~~(4) a subdivision or site plan within a municipal utility district that has a consent agreement and land use plan approved by the City that provides for the dedication of parkland or recreational facilities or the payment of fees instead of dedication of the parkland or facilities; and~~

1 (5)] a subdivision or site plan for which parkland was previously dedicated or
2 payment made under this title, except for the dwelling units or lots that
3 exceed the number for which dedication or payment was made[-];

4 (2) development within the City's extraterritorial jurisdiction that is within
5 Travis County and governed by Title 30 (Austin/Travis County
6 Subdivision Regulations); and

7 (3) affordable dwelling units that are certified under the S.M.A.R.T. Housing
8 Policy approved by the city council.

9 (D) For purposes of this article, the term "director" means the director of the Parks
10 and Recreation Department.

11
12 **§ 25-1-602 DEDICATION OF PARKLAND [REQUIRED].**

13 (A) Except where payment of a fee in-lieu of dedication is allowed under Section
14 25-1-605 (Alternatives to Parkland Dedication), a [A-subdivider] subdivision or
15 site plan applicant shall provide for the parkland needs of the residents by the
16 dedication of suitable land for park and recreational purposes under this article.

17 (B) For a subdivision, the area to be dedicated must be shown on the preliminary
18 plan and [the] final plat as "Parkland Dedicated to the City of Austin [and
19 included in the dedication statement]." The subdivider shall dedicate to the
20 City all parkland required by this article when a plat is approved.

21 (C) For a site plan, the area to be dedicated must be shown on the site plan as
22 "Parkland Dedicated to the City of Austin" and in a deed to the City. The
23 applicant shall dedicate the parkland required by this article to the City by deed
24 [all parkland required by this article] before the site plan is approved, except
25 that dedication may be deferred until issuance of a certificate of occupancy if
26 construction of amenities is authorized under Section 25-1-605 (Fee In-Lieu of
27 Parkland Dedication).

28 (D) For a building permit that is subject to 25-1-608 [25-1-606] (Dedication of
29 Land or Payment In-Lieu at Building Permit), the area to be dedicated must be
30 shown in a deed to the City. The applicant shall dedicate to the City all parkland
31 required by this article before a building permit is issued.

32 (E) The amount of parkland required to be dedicated to the City is [five] 9.4 acres
33 for every 1,000 residents, as determined by the following formula:

34 9.4 [5] x (Number of Units)
35 x (Residents Per Unit]
36 _____ = Acres of parkland
37 1000

- 1 (F) In calculating the amount of parkland to be dedicated under this section, the
2 number of residents in each dwelling unit is based on density as follows:

| <u>Density Classification</u> [Dwelling Units Per Acre] | Residents In Each Dwelling Unit |
|---|--|
| <i>Low Density:</i> Not more than 6 | 2.8 |
| <i>Medium Density:</i> More than 6 and not more than 12 | 2.2 |
| <i>High Density:</i> More than 12 | 1.7 |

- 3
4 (G) If the density of a development is not known:

- 5 (1) the density is assumed to be the highest permitted in the zoning district,
6 or if the property is not zoned, 24 dwelling units per acre; or
7 (2) for a residential subdivision within the extraterritorial jurisdiction, the
8 applicant ~~[developer]~~ may reduce the assumed density by ~~[restricting~~
9 ~~density in a restrictive covenant]~~ agreeing, in a manner that is enforceable
10 by the City and approved by the city attorney, that any subsequent
11 increases in density may require additional dedication of parkland under
12 this section or payment of a fee in-lieu of dedication under Section 25-1-
13 605 (Fee In-Lieu of Parkland Dedication).

- 14 (H) The subdivision ~~[subdivider]~~ or site plan applicant shall pay all costs of
15 transferring the parkland to the City, including the costs of:

- 16 (1) an environmental site assessment without any further recommendations
17 for clean-up, certified to the City not earlier than the 120th day before the
18 closing date;
19 (2) a Category 1(a) land title survey, certified to the City and the title
20 company not earlier than the 120th day before the closing date;
21 (3) a title commitment with copies of all Schedule B and C documents, and
22 an owner's title policy;
23 (4) a fee simple deed;
24 (5) taxes prorated to the closing date;
25 (6) recording fees; and
26 (7) charges or fees collected by the title company.

- 27 (G) Development within a Planned Unit Development (PUD) zoning district may be
28 subject to additional parkland requirements and may be entitled to count

1 dedicated parkland towards meeting open space requirements under Chapter 25-
2 2, Article 2, Division 5 (*Planned Unit Developments*).
3

4 **§ 25-1-603 STANDARDS FOR DEDICATED PARKLAND.**

5 (A) In addition to the requirements of this article, land [~~Land~~] to be dedicated as
6 parkland must meet the requirements of this subsection[÷].

7 (1) Parkland must be easily accessible to the public and open to public view
8 so as to benefit area residents, enhance the visual character of the City,
9 protect public safety, and minimize conflicts with adjacent land uses.

10 (2) On-street and off-street connections between residential neighborhoods
11 shall be provided, wherever possible, to provide reasonable access to
12 parks and open space areas.

13 (3) In addition to the requirements of this subsection, parkland must comply
14 with the standards in the Comprehensive Plan, the Park and Recreation
15 [Action] Long-Range Plan, the Environmental Criteria Manual
16 [Administrative Criteria Manual], and the Parkland Dedication Operating
17 Procedures [this section].

18 (B) The director [~~of the Parks and Recreation Department~~] shall determine whether
19 land offered for dedication complies with the standards for dedication under
20 Subsection (A) of this section and may require a subdivision or site plan
21 applicant to provide information deemed necessary to determine compliance.

22 (C) Fifty percent of acreage in the 100 year floodplain that is dedicated as parkland
23 may be credited toward fulfilling the requirements of this article if any [the]
24 adjoining land within the 25 year floodplain[~~, if any,~~] is also dedicated as
25 parkland. The land within the 25 year floodplain may not be credited toward
26 fulfilling the requirements of this article.

27 (D) Land identified on the [~~Critical Areas~~] Deficient Parkland Area Map maintained
28 by the Parks and Recreation [~~Watershed Protection and Development Review~~]
29 Department that does not otherwise comply with the standards for parkland
30 dedication may be accepted as dedicated parkland if the director [~~of the Parks~~
31 ~~and Recreation Department~~] determines that the land will provide recreational
32 or educational opportunities for the surrounding community. In this event, 50
33 percent of the acreage may be credited toward fulfilling the requirements of this
34 article.
35

36 **§ 25-1-604 PRIVATE PARKLAND.**

- 1 (A) The director [~~of the Parks and Recreation Department~~] may allow up to a 50
2 percent credit toward fulfilling the requirements of this article for privately
3 owned and maintained park and recreational facilities, or recreational
4 easements, that are for use by the public.
- 5 (B) The director [~~of the Parks and Recreation Department~~] may allow up to a 100
6 percent credit toward fulfilling the requirements of this article for private
7 parkland in a subdivision or site plan located outside the city limits, if:
- 8 (1) the director [~~of the Parks and Recreation Department~~] determines that the
9 private parkland meets City parkland standards; and
- 10 (2) the land owner agrees to dedicate the private parkland to the City when
11 the City annexes the land for all purposes.
- 12 (C) If private parkland includes construction of recreational amenities, the applicant
13 must post fiscal surety in an amount equal to the fee in-lieu provided for under
14 Section 25-1-605 (*Alternatives to Parkland Dedication*) and the development
15 fee required under Section 25-1-608 (*Parkland Development Fee*). The fiscal
16 surety must be posted:
- 17 (1) before final plat approval; or
- 18 (2) before site plan release, for any portion of the subdivision that will
19 require a site plan.
- 20 (D) [~~Private parkland excludes yards~~] Yards, setback areas, and private personal
21 open spaces required by this title may not be counted as private parkland under
22 this section, except for a required setback or yard that includes a public trail.

24 **§ 25-1-605 FEE IN-LIEU OF PARKLAND DEDICATION [~~PAYMENT INSTEAD~~**
25 **~~OF LAND~~].**

- 26 (A) In lieu of the dedication of land required by Section 25-1-602 (*Dedication of*
27 *Parkland*), the [The] director [~~of the Parks and Recreation Department~~] may
28 require or allow a [subdivider] subdivision or site plan applicant to[.] deposit
29 with the City a [~~cash payment or fiscal security instead~~] fee in-lieu of [the]
30 parkland dedication [~~of parkland if:~~
- 31 [~~(1) less than six acres is required to be dedicated; or~~
- 32 ~~(2) the land available for dedication does not comply with the standards for~~
33 ~~dedication].~~
- 34 (B) [~~A subdivider must make the deposit before the subdivision may be approved,~~
35 ~~except that for the portion, if any, of the subdivision that requires a site plan, the~~
36 ~~subdivider may defer the deposit until after a site plan is filed.] The director~~

1 shall determine whether to require or allow payment of a fee in-lieu under this
2 section based on the feasibility of dedicating parkland and whether the land
3 available for dedication, if any, would help to maintain or enhance the City's
4 park system. In making this determination, the director shall consider whether
5 the proposed subdivision or site plan:

6 (1) is located within the Deficient Park Area Map;

7 (2) is adjacent to existing parkland; and

8 (3) has sufficient acreage to meet the standards for dedicated parkland under
9 the Parkland Dedication Operating Procedures.

10 (C) ~~[A site plan applicant must make the deposit before the site plan may be~~
11 ~~approved.~~

12 (D) The amount of the fee in-lieu of parkland dedication is determined according to
13 the density classification established by Section 25-1-602(F) (*Dedication of*
14 *Parkland*) in the manner prescribed by this subsection.

15 (1) Fee In-Lieu of Dedication:

| <u>Density Classification</u> | <u>Fee In-Lieu Amount</u> |
|-------------------------------|-----------------------------------|
| <u>Low Density</u> | <u>2.8 x Land Cost Per Person</u> |
| <u>Medium Density</u> | <u>2.2 x Land Cost Per Person</u> |
| <u>High Density</u> | <u>1.7 x Land Cost Per Person</u> |

16 (2) For purposes of determining the fee in-lieu under Subsection (C)(1):

$$\begin{array}{ccc} \text{Land Cost Per Person} & = & \text{Parkland Cost Factor} \\ & & \hline & & \text{Parkland Level-of Service} \end{array}$$

21 where:

22 (a) "Parkland Cost Factor" is an amount approved by the city council
23 concurrent with adoption of the annual fee ordinance, based on the
24 average purchase price to the City for acquiring an acre of
25 parkland as determined in accordance with the Parkland
26 Dedication Operating Procedures; and

27 (b) "Parkland Level-of-Service" is:

1 City Population

2
3 Net Park Acreage

4 where "City Population" is determined by the city demographer
5 and "Net Park Acreage" is determined by the director in accordance with
6 the Parkland Dedication Operating Procedures, prior to adoption of the
7 annual fee ordinance by the city council.

8 ~~[deposit is determined by multiplying the number of dwelling units by the parkland~~
9 ~~cost for each dwelling unit, excluding the affordable dwelling units. The~~
10 ~~determination is made on the date of the deposit using the most recent parkland cost~~
11 ~~for each dwelling unit. In this subsection:~~

12 ~~(1) The number of dwelling units is:~~

13 ~~(a) for a deposit made at the time of subdivision, calculated in~~
14 ~~accordance with Section 25 1 602 (Dedication Of Parkland~~
15 ~~Required); or~~

16 ~~(b) for a deposit made at the time of site plan, the number shown on~~
17 ~~the site plan.~~

18 ~~(2) The parkland cost for each dwelling unit is:~~

19 ~~(a) based on a report by the city manager that analyzes of the costs of~~
20 ~~acquiring and developing parkland and determines the~~
21 ~~proportionate share of those costs attributable to new residential~~
22 ~~development;~~

23 ~~(b) approved by council; and~~

24 ~~(c) periodically reviewed by the city manager and council.~~

25 ~~(3) Affordable dwelling unit means a dwelling unit that is certified by the~~
26 ~~director of the Neighborhood Housing and Community Development~~
27 ~~Department as being reasonably priced under the S.M.A.R.T. Housing~~
28 ~~Program standards adopted by council resolution for rental or purchase~~
29 ~~by a household earning not more than 80 percent of the median family~~
30 ~~income for the Austin statistical metropolitan area.~~

31 ~~(E) A deposit must be placed in the City's Neighborhood Park and Recreation~~
32 ~~Improvement Fund. The deposit must be used for the acquisition or~~
33 ~~improvement of neighborhood parks that will benefit the residents of the~~
34 ~~subdivision or site plan and that are located in the service area defined by the~~
35 ~~Parks and Recreation Department.~~

1 ~~(F) The City shall expend a deposit within five years from the date it is received.~~
2 ~~This period is extended by five years if, at the expiration of the initial five year~~
3 ~~period, less than 50 percent of the residential units in the subdivision or on the~~
4 ~~site plan have been constructed.~~

5 ~~(G) If the City does not expend a deposit by the deadline described in Subsection~~
6 ~~(F), and the actual number of residential units constructed is less than the~~
7 ~~number assumed at the time the deposit was calculated, the owner may request~~
8 ~~a refund. The request must be in writing and filed with the director of the Parks~~
9 ~~and Recreation Department not later than 180 days after the expiration of the~~
10 ~~time period described in Subsection (F). A refund is calculated by multiplying~~
11 ~~the percentage of the reduction in the number of residential units times the~~
12 ~~amount of the deposit. A refund may not exceed the unexpended amount of a~~
13 ~~deposit.]~~

14
15 **§ 25-1-606 PARKLAND DEVELOPMENT FEE.**

16 (A) Except as provided in Subsection (C), an applicant must pay a parkland
17 development fee as a condition to subdivision or site plan approval in order to
18 ensure that land is developed with recreational amenities sufficient for park use.

19 (B) The amount of the development fee is determined according to the density
20 classification established by Section 25-1-602(F) (*Dedication of Parkland*) in
21 the manner prescribed by this subsection.

22 (1) Parkland Development Fee:

| <u>Density Classification</u> | <u>Development Fee Amount</u> |
|-------------------------------|---|
| <u>Low Density</u> | <u>2.8 x Park Development</u> <u>Cost Per Person</u> |
| <u>Medium Density</u> | <u>2.2 x Park Development</u> <u>Cost Per Person</u> |
| <u>High Density</u> | <u>1.7 x Park Development</u> <u>Cost Per Person</u> |

23
24 (2) For purposes of determining the development fee under Subsection
25 (B)(1):

26 Park Development Cost = Park Development Cost Factor

27
28 Park Facilities Level-of Service

1 where:

2 (a) "Park Development Cost Factor" is an amount approved by the
3 city council, concurrent with adoption of the annual fee ordinance,
4 based on the average cost of developing an acre of parkland up to
5 the standards of a neighborhood park as determined in accordance
6 with the Parkland Dedication Operating Procedures; and

7 (b) "Park Facilities Level-of-Service" is:

8 City Population

9
10 Number of Developed Parks

11 where "City Population" is determined by the city demographer
12 and "Number of Developed Parks" is the total acreage of developed
13 parkland, other than metro, district, and golf-course acreage, as
14 determined by the director prior to adoption of the annual fee ordinance
15 by the city council.

16 (C) The director may allow an applicant to construct recreational amenities on
17 parkland in-lieu of paying the development fee required by this section. In order
18 to utilize this option, the applicant must:

19 (1) post fiscal surety in an amount equal to the development fee;

20 (2) if a dedication of land is required, construct recreational amenities prior
21 the dedication in a manner consistent with the Parkland Dedication
22 Operating Procedures; and

23 (3) document the required amenities concurrent with subdivision or site plan
24 approval, in a manner consistent with the Parkland Dedication Operating
25 Procedures.

26
27
28 **§ 25-1-607 FEE PAYMENT AND EXPENDITURE.**

29 (A) Payment of a fee required under Section 25-1-605 (*Fee In-Lieu of Parkland*
30 *Dedication*) or Section 25-1-606 (*Parkland Development Fee*) must be paid as
31 required by this subsection.

32 (1) If a fee in-lieu of dedication or a parkland development fee is required as
33 a condition to subdivision approval, the applicant must deposit the fee
34 with the City before final plat approval. The applicant may defer
35 payment of a fee until site plan approval unless development proposed

1 within the subdivision is exempt from the requirement to submit a site
2 plan under Section 25-5-2 (*Site Plan Exemptions*).

3 (2) If a fee in-lieu of dedication or a parkland development fee is required as
4 a condition to site plan approval, the applicant must deposit the fee with
5 the City before the site plan may be approved.

6 (B) In administering fees collected under this article, the director shall:

7 (1) place fees paid under Section 25-1-605 (*Fee In-Lieu of Parkland*
8 *Dedication*) and Section 25-1-606 (*Parkland Development Fee*) into
9 separate funds;

10 (2) limit the use of fees paid under Section 25-1-605 (*Fee In-Lieu of*
11 *Parkland Dedication*) to the acquisition of parkland that will benefit
12 residents of the development for which the fees are assessed and is
13 located within a service area designated by the director under the
14 Parkland Dedication Operating Procedures; and

15 (3) limit the use of fees paid under Section 25-1-606 (*Parkland Development*
16 *Fees*) to the development of recreational amenities that will benefit
17 residents of the development for which the fees are assessed and is
18 located with a service area designated by the director under the Parkland
19 Dedication Operating Procedures.

20 (C) The City shall expend a fee collected under this article within five years from
21 the date payment is received. This period is extended by five years if, at the
22 end of the initial five-year period, less than 50 percent of the residential units
23 within a subdivision or site plan have been constructed.

24 (D) If the City does not expend a fee payment by the deadline required in
25 Subsection (C), the subdivision or site plan applicant who paid the fee may
26 request a refund under the requirements of this subsection.

27 (1) The refund request must be made in writing and filed with the Parks and
28 Recreation Department not later than 180 days after the expiration of the
29 deadline under Subsection (C).

30 (2) If the refund request is timely filed, the director shall refund the amount
31 of unspent fees that were collected under this article in connection with
32 approval of the subdivision or site plan.

33
34 **§ 25-1-608 [25-1-606] DEDICATION OF LAND OR PAYMENT IN-LIEU AT**
35 **BUILDING PERMIT.**

1 (A) Dedication of parkland or payment in lieu of dedication, as determined by the
2 director ~~[of the Parks and Recreation Department]~~, is required as a condition to
3 obtaining a building permit for residential development located within a
4 subdivision that:

5 (1) at the time of approval, was deemed to be exempt from a requirement to
6 dedicate parkland or pay a fee in-lieu of dedication based on the
7 assumption that development within the subdivision would be limited to
8 non-residential uses; and

9 (2) has not subsequently developed with a use for which parkland was
10 dedicated or a fee in-lieu of dedication was paid.

11 (B) The amount of a fee in-lieu of parkland dedication under this section shall be
12 calculated in accordance with Section 25-1-605 (*Fee In-Lieu of Parkland*
13 *Dedication*) ~~[(Payment Instead of Land)]~~.
14

15 **§ 25-1-607 - SUBMITTAL REQUIREMENTS.**

16 ~~(A) The director of the Parks and Recreation Department may request that the~~
17 ~~subdivider or site plan applicant provide information relating to proposed~~
18 ~~parkland to determine whether the proposed parkland complies with this article.~~

19 ~~(B) A subdivider or site plan applicant shall provide the information requested~~
20 ~~under this section.]~~
21

22 **§ 25-1-609 ADMINISTRATIVE AUTHORITY.**

23 (A) The director is authorized to adopt administrative rules and take other actions
24 that are necessary to implement this article.

25 (B) The director shall, at a minimum, adopt:

26 (1) a Deficient Park Area Map illustrating shortages in parkland; and

27 (2) Parkland Dedication Operating Procedures establishing:

28 (a) boundaries for service areas required by Section 25-1-607 (*Fee*
29 *Payment and Expenditure*) for use of a fee in-lieu of parkland
30 dedication and parkland development fee;

31 (b) general standards for dedicated parkland under Section 25-1-603
32 (*Standards for Dedicated Parkland*);

33 (c) methodology for determining:

34 (i) parkland cost factor and park level-of-service under Section
35 25-1-605 (*Fee In-Lieu of Parkland Dedication*); and

(ii) park development cost factor and facilities level-of-service under Section 25-1-606 (*Parkland Development Fee*); and

(d) other provisions deemed necessary for implementing this article.

PART 3. Part 4 of Ordinance No. 20070621-027 is repealed.

PART 4. This ordinance takes effect on January 1, 2016.

PASSED AND APPROVED

_____, 2015 §
 §
 §

 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 Interim City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk

CIVIC LAND USES PERMITTED IN GENERAL OFFICE (GO) ZONING DISTRICT

C6

| | | | |
|-----------------------------------|---|--|----|
| Club or Lodge | C | Group Home, Class I (Limited) | P |
| College and University Facilities | P | Group Home, Class II | P |
| Communication Service Facilities | P | Guidance Services | P |
| Community Events | 8 | Hospital Services (General) | C |
| Community Recreation (Private) | C | Hospital Services (Limited) | P |
| Community Recreation (Public) | C | Local Utility Services | P |
| Congregate Living | P | Private Primary Educational Facilities | P |
| Convalescent Services | P | Private Secondary Educational Facilities | P |
| Counseling Services | P | Public Primary Educational Facilities | P |
| Cultural Services | P | Public Secondary Educational Facilities | P |
| Day Care Services (Commercial) | P | Religious Assembly | P |
| Day Care Services (General) | P | Residential Treatment | C |
| Day Care Services (Limited) | P | Safety Services | P |
| Family Home | P | Telecommunication Tower | PC |
| Group Home, Class I (General) | P | | |

P- Permitted in the district; **C-** Permitted in the district, but site development/site plan requires Land Use Commission approval; **8-** Refers to 25-2-842; **PC** - Permitted in the district, but under some circumstances may be conditional.

Civic Uses Prohibited in GO Zoning

| | |
|------------------------------------|--|
| Administrative Services | Major Utility Facilities |
| Aviation Facilities | Military Installations |
| Camp | Park and Recreation Services (General) |
| Cemetery | Park and Recreation Services (Special) |
| Convention Center | Postal Facilities |
| Detention Facilities | Railroad Facilities |
| Employee Recreation | Transitional Housing |
| Maintenance and Service Facilities | Transportation Terminal |
| Major Public Facilities | All other Civic Uses |

e9

June 23, 2015

Honorable Planning Commissioners
The City of Austin Planning Commission

RE: Item 7 Discussion Postponement

Dear Commissioners,

Thank you for your service in the ongoing matter of 1805 Lightsey Road.

This is an owner opposed zoning case moving forward without staff recommendation at the behest of a few key neighbors.

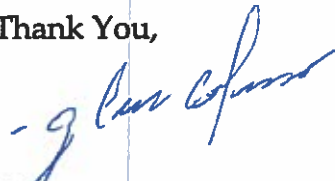
On behalf of PSW Real Estate, I am asking that the owners be allowed to contest this undesired zoning before the same Commission who witnessed the previous negotiations and good faith actions undertaken between the developer and the previous neighborhood representatives. Please see the attached maps and letters.

This commission is well within its rights to consider this item as a continuation of the Lightsey II process, and indeed we feel has a duty to view this new zoning attempt within the context of previous proceedings.

To allow this case to roll to an entirely new Commission confers a distinct advantage on any party seeking the historic designation. We believe the advantage conferred to some parties by postponement far outweighs the custom of courtesy postponement. This request is strategic and arises from a desired advantage, not circumstance.

Please honor our request and let us finish this case as we began, before you, the long serving commissioners of the Austin Planning Commission.

Thank You,



Glen Coleman

10



~~#123~~

Ross Wilson <ross@pswrealestate.com>

Re: Demolition Permit - 1805 Lightsey Road

1 message

Greywolfvic@gmail <greywolfvic@gmail.com>
To: Ross Wilson <ross@pswrealestate.com>

Sat, Mar 21, 2015 at 5:04 PM

Mr Wilson,

I live at 1706 Lightsey Road and am sending you this email to state that I do not oppose the application for a demolition permit at 1805 Lightsey Road. My home is located across the street from the property in question.

Regards,
Vic Ramirez

Sent from my iPhone



Ross Wilson <ross@pswrealestate.com>

old Lightsey house -- Landmark Commission meeting

1 message

Wood, Steve <SWood@thompsoncoe.com>
To: Ross Wilson <ross@pswrealestate.com>

Mon, Mar 9, 2015 at 2:20 PM

Ross,

Confirming our conversation about the old Lightsey house.....
Speaking for Steve Wood individually, I am not opposed to the Landmark's
Commission granting a demolition permit, if that is their determination.

Thanks

Steve Wood

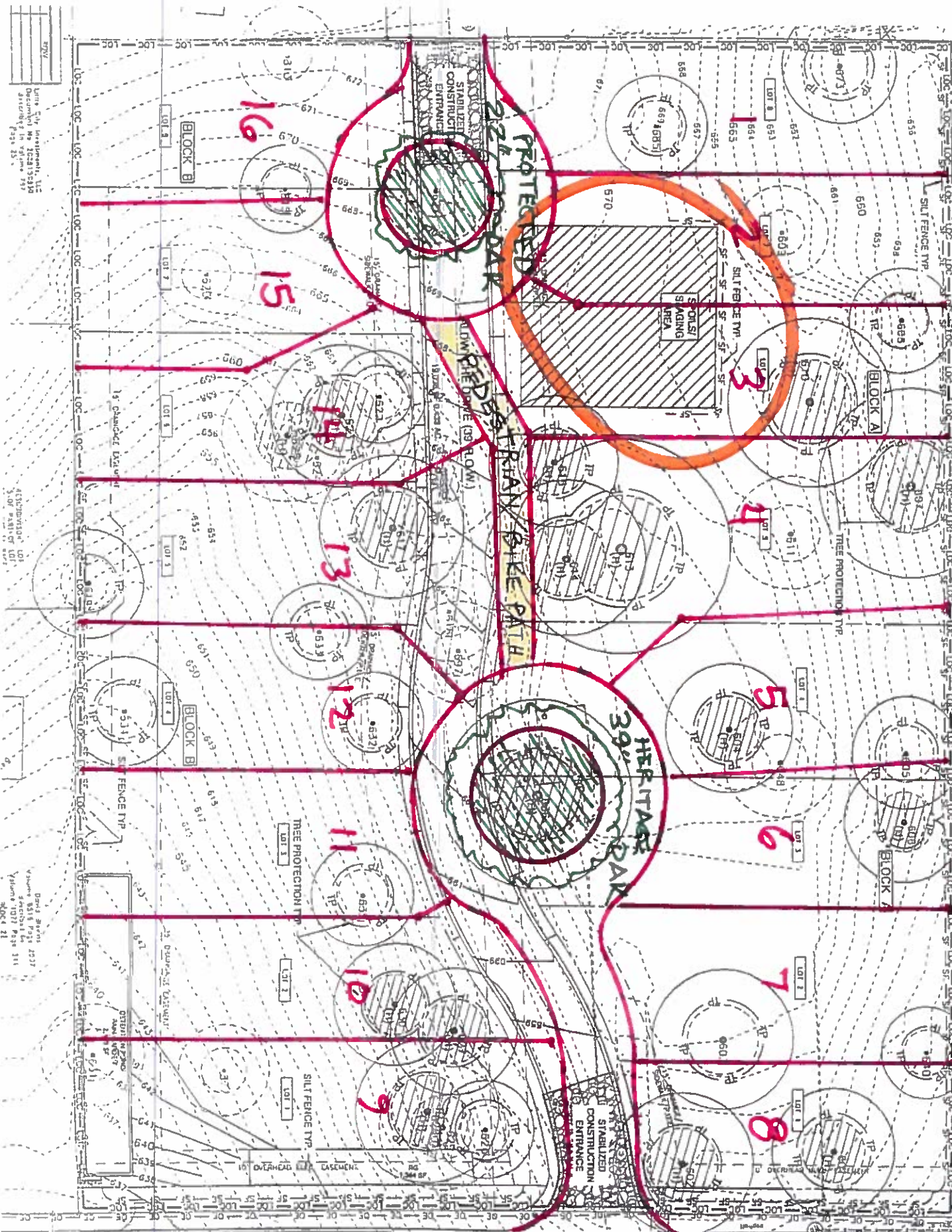
THOMPSON
COE

Stephen A. Wood
Thompson Coe Cousins & Irons, L.L.P.
701 Brazos St. | 15th Floor | Austin, TX 78701
Ph: 512.703.5033 | Fax: 512.708.8777
swood@thompsoncoe.com
bio | vcard | web

Confidentiality Notice: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information exempt from disclosure under applicable law. Unauthorized review, use, disclosure, or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy the original and all copies of the message. Thank you.

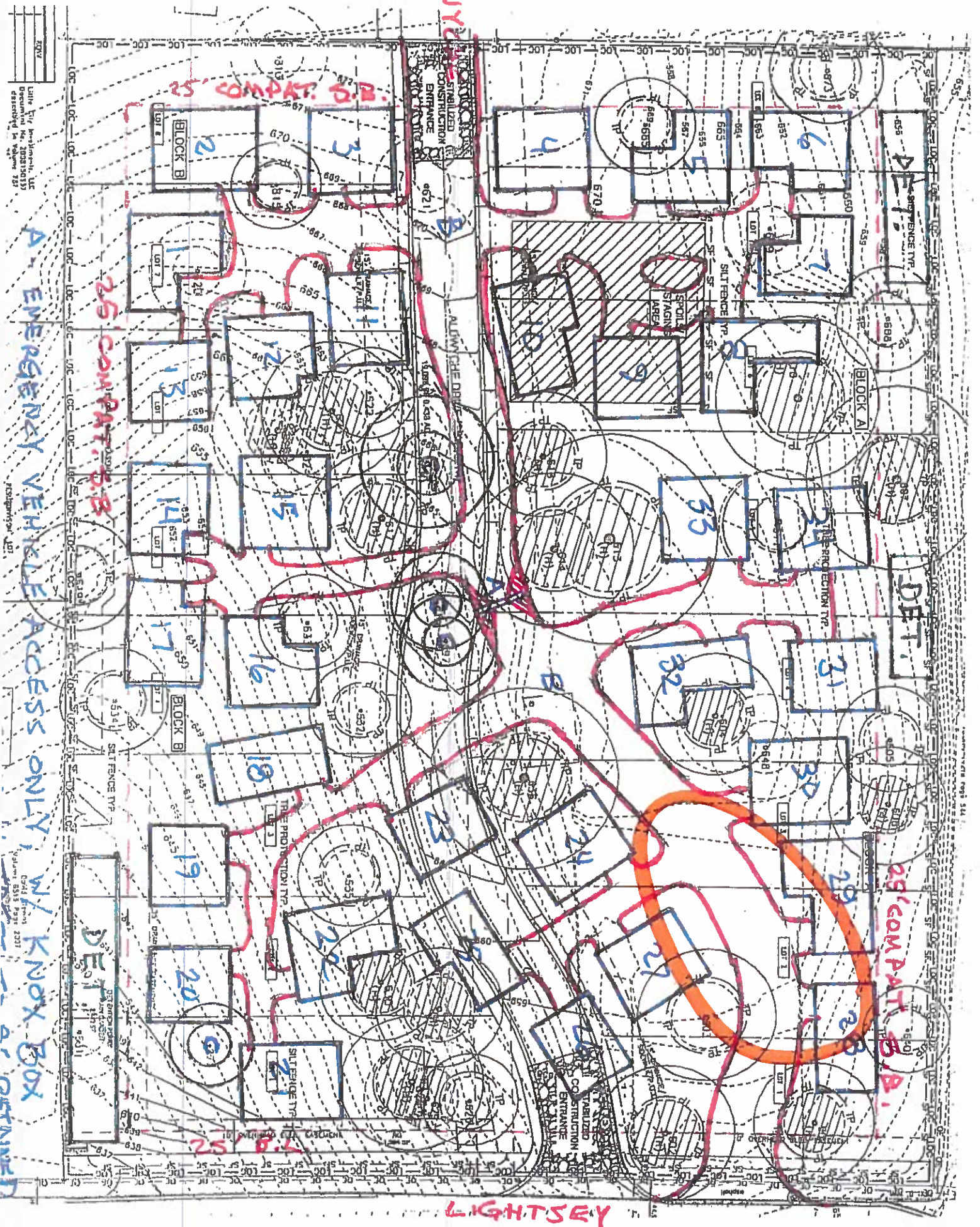
Tax Advice Disclosure: Any U.S. federal tax advice contained in this communication, including any attachment(s), unless expressly stated otherwise, was and is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

ALTERNATIVE ROAD PLAN "A"

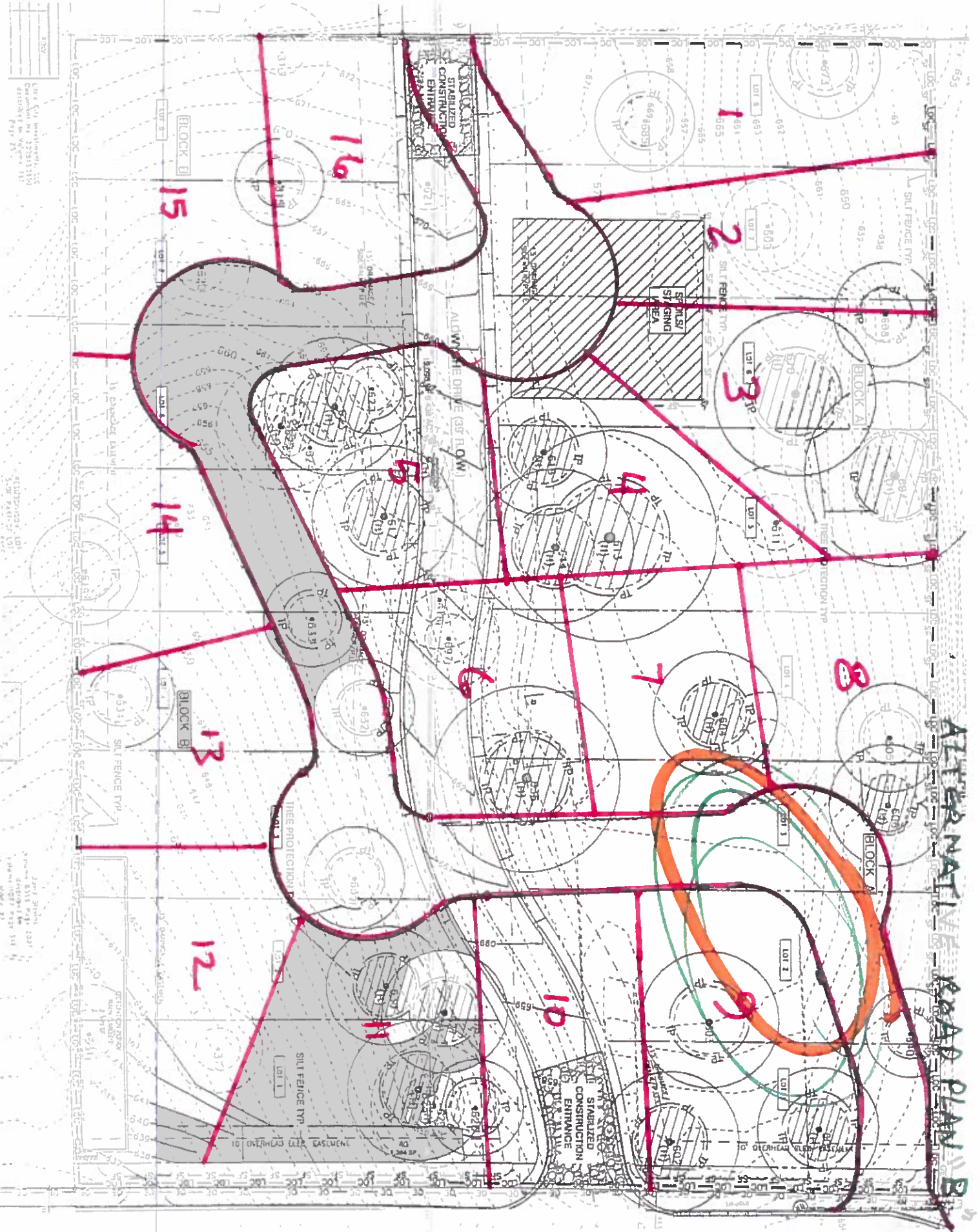


Site Plan, Investment, LLC
December 14, 2023
Drawing Page 23

David Smith
Village 5518 Page 23
Village 1022 Page 311
Block 21



Little Ellis Island, LLC
 Casuarina No. 22313752
 dating in Volume 3?
 Page 25.



Chaffin, Heather

C8

From: Mike Wilson [REDACTED]
nt: Tuesday, June 23, 2015 2:33 PM
o: Chaffin, Heather; Meade, Nikelle [REDACTED]
Subject: RE: VALID PETITION - MARLO HEIGHTS REZONING - 37.94%
Attachments: 20150623133227.pdf

Heather,

I didn't have time to generate a proper valid petition of support, but we can. See the attached document indicating a 34.54% area of support for our rezoning request supporting staff's recommendation. I know no such mechanism exists, but they should be made aware that we have a similar percentage of support. Please make the Planning Commission aware of this support.

Thanks,

Mike Wilson
Garrett-Ihnen Civil Engineers
12007 Technology Blvd, Ste 150
Austin, TX 78727
Ph: 512.454.2400 Ext 105
Mob: 512.569.5063
Texas Registration No. F-630

-----Original Message-----

om: Chaffin, Heather (<mailto:Heather.Chaffin@austintexas.gov>)
Sent: Tuesday, June 23, 2015 10:52 AM
To: Mike Wilson; Meade, Nikelle (Nikelle.Meade@huschblackwell.com)
Subject: FW: VALID PETITION - MARLO HEIGHTS REZONING - 37.94%

| | | |
|----------------------------|----------|----------|
| 4900 Springdale Road | 49554.16 | 49554.16 |
| 5007 Pecan LLC | 25177.98 | 25177.98 |
| Austin Springdale | 2956.84 | |
| Matthew Brown | 33401.28 | |
| City of Austin | 17755.42 | |
| Mila Jackson | 50168.87 | |
| Dane Krager | 8577.5 | |
| Thomas Krager | 8421.43 | |
| Marco Montoya | 9624.01 | |
| Chris Ring | 155087.6 | |
| St Stephens Baptist Church | 53539.94 | 53539.94 |
| Simone Talma | 18253.32 | |
| In Town Homes | 89651.43 | |
| Weichert Family | 79553.87 | 79553.87 |
| | 601723.7 | 207826 |
| | | 34.54% |

We find the rezoning request (MF-2 for the 1.37 acre tract and SF-6 for the 6.36 acre tract) satisfactory for the intended use.

| Number | Street | Owner | Tax ID | Signature |
|--------|----------------------|---------------------|--------|-------------------|
| 4809 | Pecan Springs Road | Christopher Ring | 209599 | |
| 5007 | Pecan Springs Road | NP 14-01 LLC | 209604 | <i>Todd Jones</i> |
| 12007 | Technology Blvd #150 | Austin, TX 78727 | | |
| | Springdale Road | Weichert Family LP | 209610 | |
| 3821 | Juniper Trace #106 | Austin TX 78738 | | |
| 5005 | Pecan Springs Road | Mila Jackson | 209613 | |
| 4926 | Pecan Springs Road | Texas Townhomes LLC | 209622 | |
| 1520 | Oliver Street | Houston, TX 77007 | | |
| 4806 | Pecan Springs Road | Marco Monloya | 210789 | |
| 4912 | Pecan Springs Road | Simone Talma | 210791 | |
| 6912 | Guar Drive | Austin TX 78749 | | |
| 4908 | Pecan Springs Road | Thomas Krager | 210794 | |

We find the rezoning request (MF-2 for the 1.37 acre tract and SF-6 for the 6.36 acre tract) satisfactory for the intended use.

| Number | Street | Owner | Tax ID | Signature |
|--------|--------------------|--------------------------------|--------|----------------------------------|
| 4907 | Springdale Road | Greater Mount Moriah Pminitive | 209647 | |
| 3103 | East 51st Street | St Stephens Baptist Church | 210788 | |
| 3107 | East 51st Street | Austin, TX 78723 | | |
| | Pecan Springs Road | Melanie Martin | 210790 | |
| 4700 | Creekwood Road | Austin, TX 78723 | | |
| | Pecan Springs Road | Austin Housing Authority | 210802 | |
| 1124 | South IH-35 | Austin, TX 78704 | | |
| | Pecan Springs Road | Marco Montoya | 210803 | |
| 4806 | Pecan Springs Road | Austin, TX 78723 | | |
| 5212 | Medford Drive | Alexander Huff | 211965 | |
| 5210 | Medford Drive | Equity Trust Company | 211966 | |
| | P.O. Box 342496 | Lakeway, TX 78734 | | P O Box 342496 Lakeway, TX 78734 |
| 5208 | Medford Drive | Alice Plair | 211967 | |

| We find the rezoning request (MF-2 for the 1.37 acre tract and SF-6 for the 6.36 acre tract) satisfactory for the intended use. | | | | | |
|---|----------------------|----------------------------|--------|----------------------------------|--|
| Number | Street | Owner | Tax ID | Signature | |
| 5200 | Basswood Lane | James Davis | 212062 | | |
| 5205 | Basswood Lane | Mary Enriquez | 212107 | <i>Mary Enriquez</i> | |
| 5207 | Basswood Lane | Patricia Henderson | 212108 | P O Box 6325, Austin TX 78762 | |
| | P O Box 6325 | Austin, TX 78762 | | <i>would not be in the house</i> | |
| 5100 | Springdale Road | DRFM Investments | 212127 | | |
| 6700 | Guadalupe | Austin, TX 78752 | | | |
| | East 51st Street | Benjamin Rosas | 739643 | P O Box 30095 Austin TX 78755 | |
| | P O Box 30095 | Austin TX 78755 | | | |
| 3107 | East 51st Street | St Stephens Baptist Church | 811065 | | |
| 3117 | East 51st Street | St Stephens Place, LLC | 811066 | | |
| 12007 | Technology Blvd #150 | Austin, TX 78723 | | | |

We find the rezoning request (MF-2 for the 1.37 acre tract and SF-6 for the 6.36 acre tract) satisfactory for the intended use.

| Number | Street | Owner | Tax ID | Signature |
|--------|-----------------------|----------------------------|--------|--------------------------------|
| 5200 | Basswood Lane | James Davis | 212062 | |
| 5205 | Basswood Lane | Mary Enriquez | 212107 | |
| 5207 | Basswood Lane | Patricia Henderson | 212108 | P.O. Box 6325 Austin TX 78762 |
| | P.O. Box 6325 | Austin TX 78762 | | |
| 5100 | Springdale Road | DRFM Investments | 212127 | |
| 6700 | Guadalupe | Austin TX 78752 | | |
| | East 51st Street | Benjamin Rosas | 739643 | P.O. Box 30095 Austin TX 78755 |
| | P.O. Box 30095 | Austin TX 78755 | | |
| 3107 | East 51st Street | St Stephens Baptist Church | 811065 | |
| 3117 | East 51st Street | St Stephens Place LLC | 811066 | |
| 12007 | Technology Blvd. #150 | Austin TX 78723 | | |

Upl. 2/10/19

Monday, June 22, 2015 2:13:17 PM Central Daylight Time

Subject: Re: Rezoning

Date: Thursday, June 18, 2015 6:06:43 PM Central Daylight Time

From: Harry Scott

To: Pepper

Looks great. I support it. 4900 Springdale

Sent from my iPhone

On Jun 18, 2015, at 6:04 PM, Pepper <pepper@pepperjones.com> wrote:

From: Pepper <pepper@pepperjones.com>

Date: Wednesday, June 17, 2015 3:19 PM

To: "Glenn K. Weichert" <glenn@weichertlaw.com>

Subject: Rezoning

Harry,

My group, CMST is in the process of rezoning the two tracts south of the Weichert tract and will have our Planning Commission hearing next Tuesday. Directly south of the Weichert Tract and east of the Creek we are asking for MF2 from SF6. Across the creek to the west we are asking from SF2 to SF6. This is in agreement with the master plan and Staff's recommendation. The plan is to build approximately 19 Town Homes contiguous to your tract and 46 Town homes west of the creek on Pecan Springs Road (see attached docs).

Will you support these zoning changes by replying back with a confirmation including the address of your tract.

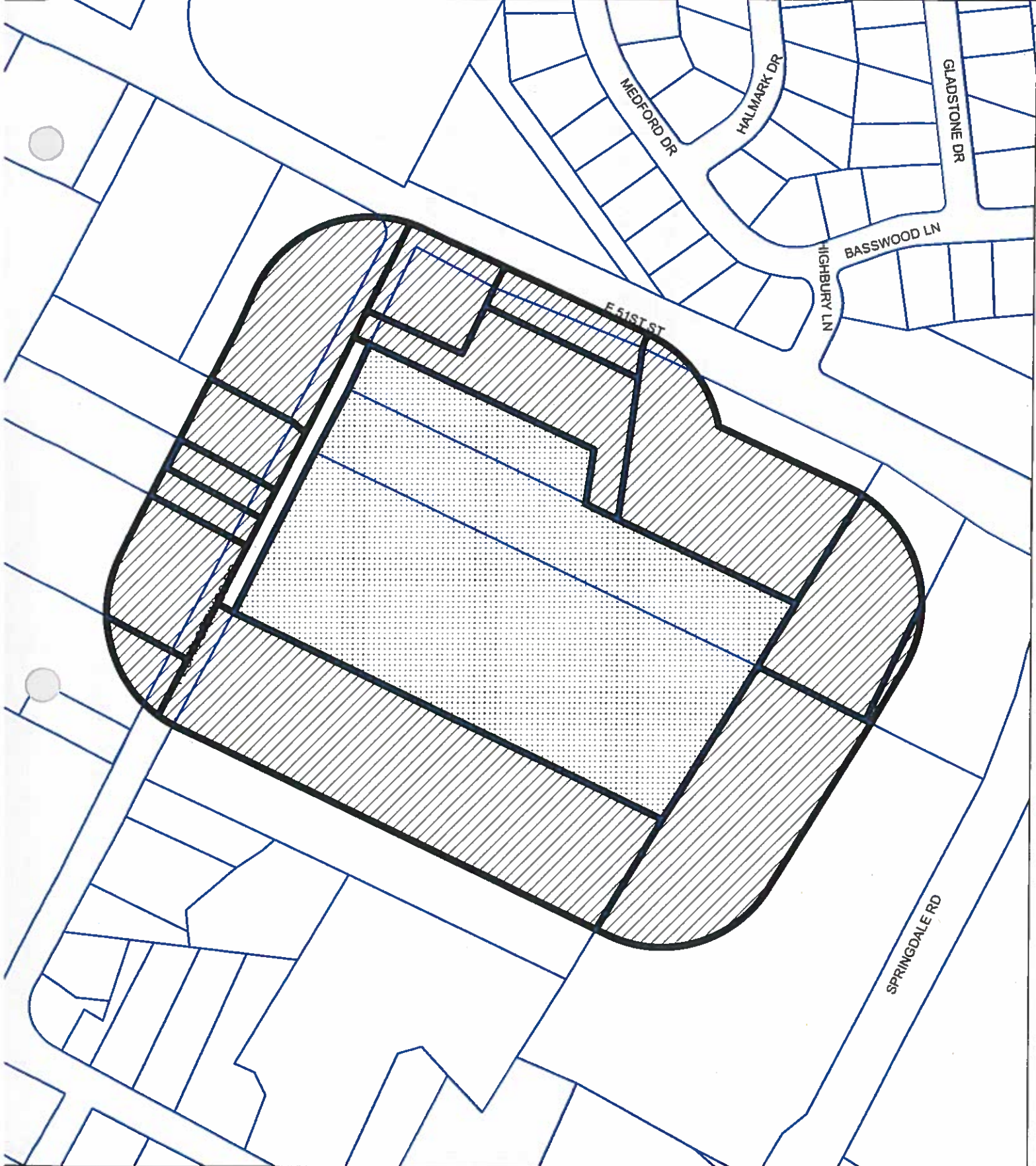
Please call me if you have any questions.

Sincerely,

Pepper Jones

Mobile # 512-468-8585

<Pecan Springs assembly.pdf>





N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2015-0001



" = 200 '

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

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Case Number:
C14-2015-0001**PETITION**

Date: 6/23/2015
 Total Square Footage of Buffer: 615153.2152
 Percentage of Square Footage Owned by Petitioners Within Buffer: 37.94%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

| TCAD ID | Address | Owner | Signature | Petition Area | Precent |
|--------------|-------------------------------|--|-----------|------------------|---------------|
| 0215210149 | SPRINGDALE RD 78723 | 4900 SPRINGDALE ROAD LLC | no | 49554.16 | 0.00% |
| 0215210113 | 5007 PECAN SPRINGS RD 78723 | 5007 PECAN LLC ATTN JAMES T CAMERON | no | 25177.98 | 0.00% |
| 0215210150 | 5000 SPRINGDALE RD 78723 | AUSTIN (SPRINGDALE) DTP V LLC % GBT REALTY CORPORATION | no | 2956.84 | 0.00% |
| 0216200129 | 4902 PECAN SPRINGS RD 78723 | BROWN MATTHEW T & CARRIE A | yes | 33401.28 | 5.43% |
| 0215210114 | 5007 PECAN SPRINGS RD 78723 | CITY OF AUSTIN | no | 17755.42 | 0.00% |
| 0215210133 | 5005 B PECAN SPRINGS RD 78723 | JACKSON MILA A | no | 50168.87 | 0.00% |
| 0216200119 | 4906 PECAN SPRINGS RD 78723 | KRAGER DANE T & RYAN E | yes | 8577.50 | 1.39% |
| 0216200118 | 4908 PECAN SPRINGS RD 78723 | KRAGER THOMAS | yes | 8421.43 | 1.37% |
| 0216200107 | 4806 PECAN SPRINGS RD 78723 | MONTOYA MARCO | yes | 9624.01 | 1.56% |
| 0215210105 | 4809 PECAN SPRINGS RD 78723 | RING CHRISTOPHER & LYOVA ROSANOFF | yes | 155087.63 | 25.21% |
| 0217200315 | 3117 E 51 ST 78723 | ST STEPHENS BAPTIST CHURCH | no | 53539.94 | 0.00% |
| 0216200109 | 4912 PECAN SPRINGS RD 78723 | TALMA SIMONE A | yes | 18253.32 | 2.97% |
| 0215210145 | 4926 SPRINGDALE RD 78723 | TEXAS INTOWNHOMES LLC | no | 89651.43 | 0.00% |
| 0215210126 | SPRINGDALE RD 78723 | WEICHERT FAMILY LP | no | 79553.87 | 0.00% |
| Total | | | | 601723.66 | 37.94% |

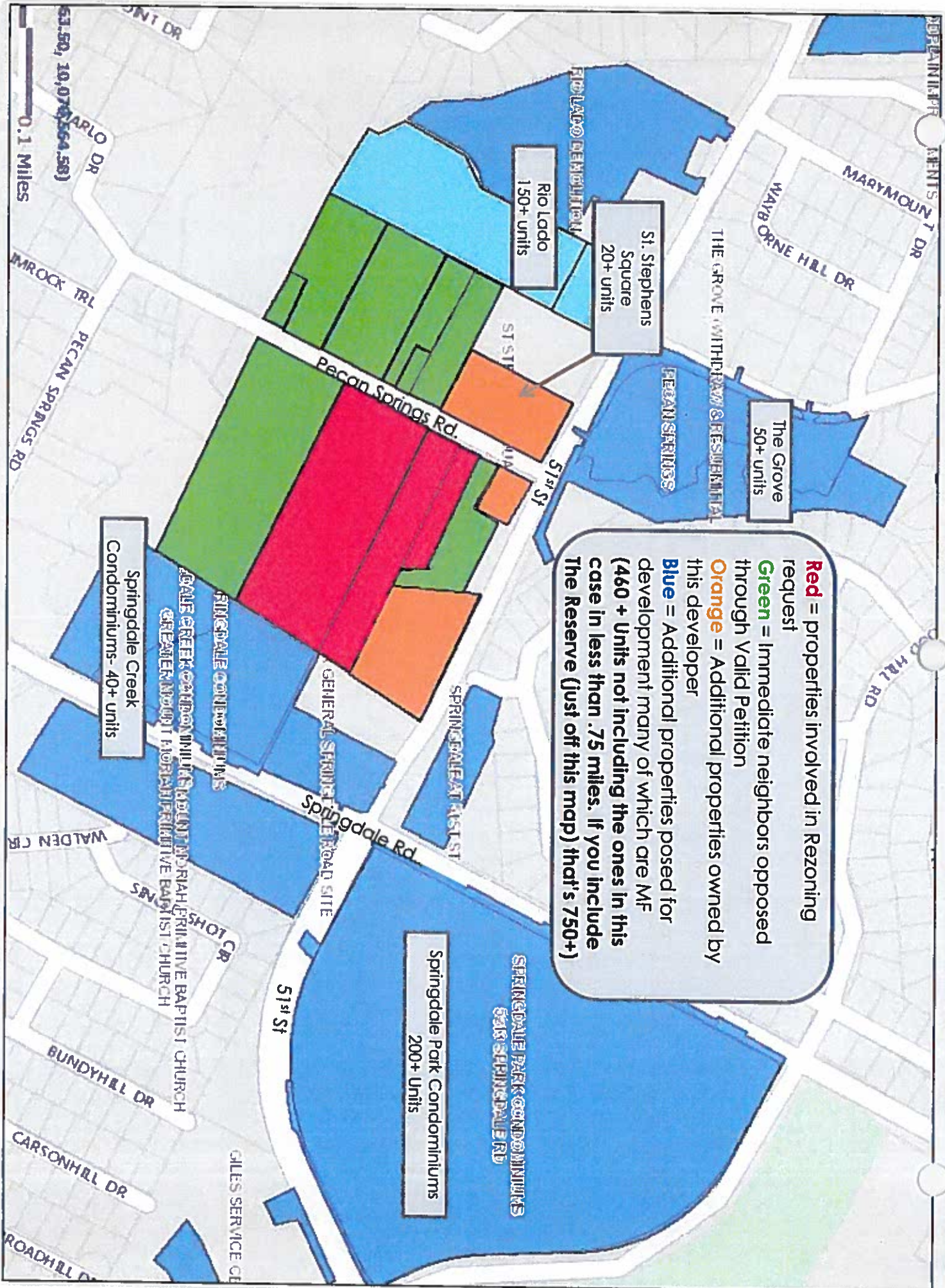
**OPPOSITION TO
REZONING REQUEST
C14-2015-0001**

**4905, 5001, AND 5003
PECAN SPRINGS RD.**

IMMEDIATE NEIGHBORS IN MARLO HEIGHTS EAST
IN OPPOSITION TO REQUESTED ZONING CHANGE



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Red = properties involved in Rezoning request
Green = Immediate neighbors opposed through Valid Petition
Orange = Additional properties owned by this developer
Blue = Additional properties posed for development many of which are MF (460 + Units not including the ones in this case in less than .75 miles. If you include The Reserve (just off this map) that's 750+)

0.1 Miles
53.50, 10.07, 564.58)

Springdale Creek
Condominiums- 40+ units

Springdale Park Condominiums
200+ Units

Rio Lado
150+ units

St. Stephens
Square
20+ units

The Grove
50+ units

FROM THE EAST MLK NEIGHBORHOOD

PLAN: MARLO HEIGHTS

Existing Conditions

Marlo Heights is a small residential area that remains somewhat rural in nature. Many homes sit on large lots, and there are narrow streets without curb and gutter. A small mixed-use node is located at 51st Street and Manor Road, but most of the property that fronts the major corridors is vacant, including an undeveloped "Planned Unit Development" (PUD) on Manor. Some existing multifamily development is located along 51st.

Recommendations

The Marlo Heights area provides some opportunities for new development. The larger vacant parcels could be developed as mixed residential or small-lot single family. The vacant land at the 51st and Springdale Road intersection would be best used as community-oriented mixed use, with Fort Branch Creek serving as a natural transition between residential and commercial uses. **The neighborhood has expressed a desire to keep some of the area's rural character, which would require some additional considerations when proposing new development.** *see next slide

Action Items

- Action 20- **Maintain single-family zoning in established residential areas.**
- Action 21- Allow mixed use/commercial at the intersections of 51st and Manor and 51st and Springdale.
- Action 22- Allow mixed-use/office along Manor Road and on Blue Spruce and Cottonwood.
- Action 23- Allow mixed residential or small-lot single family on larger, vacant tracts.

Additional Petition Signatures

[illegible]

COA Development Review Site: https://www.austintexas.gov/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=11270640

OUR VISION IS TO PRESERVE AND ENHANCE THE UNIQUE RURAL CHARACTER OF THE NEIGHBORHOOD BY:

- Maintaining generous setbacks (greater than the minimum requirements)
- Limiting the number and scale of buildings
- Limiting the number of added vehicle trips & driveways exiting on to Pecan Springs Road
- Minimizing the environmental and social impacts on this community
- Emphasizing the existing open space and natural features
- Maintain the existing single-family residential neighborhood
- Focus new development including higher density housing along the major corridors

CONCERNS: QUALITY OF LIFE

- Loss of Quality of Life
 - Residents move to the neighborhood because of the unique rural and natural features of Marlo Heights East

Entries on NextDoor.com (created in 2013) from residents in Marlo Heights East:

"My favorite thing about living in Marlo Heights is":

- *Spacious*
- *Rural Flavor*
- *Country feel*
- *The rural vibe*
- *Rural city setting*
- *Quiet, country feel*
- *The small town feel*
- *The semi-rural flavor*
- *Peace through nature*
- *Location, wildlife, green space*
- *The country feel with all the trees*
- *Quiet open lots and friendliness of neighbors*
- *Feeling of being close in and being semi-country*
- *The country feel while being so close to downtown*
- *It's a little piece of the country in the middle of the city*
- *Has a country feel, love the huge lots, trees and the location*

CONCERNS: COMPATIBILITY

Not cohesive with the current neighborhood character

- Proposed development is in the middle of an established single-family residential street and would be best suited along the major corridor of 51st Street.
- Proposed development consists entirely of 2 and 3 story homes
 - There are only 5 out of 104 homes in Marlo Heights East that are 2 stories – all others are 1 story

CONCERNS: TRAFFIC

- The zoning and development request could add **553+** car trips per day to our neighborhood (that is a **over a 100% increase** not including the 20 units being build by this developer right across the street along pecan Springs Rd.)
- The developer is proposing an additional 45 homes in addition to 20 households they plan to build directly across the street (already approved by the city) – a **more than 60% increase in households** as there are currently 104 households in Marlo Heights East
- They are also proposing an option for homeowners to have a one-bedroom rental unit
- Pecan Springs Rd is not up to city standards capable of handling such a large increase in daily trips.

CONCERNS: SAFETY

- Due to the increase in vehicle traffic
- Higher potential for accidents entering/exiting Pecan Springs Rd at 51st Street and at Springdale Rd due to lack of traffic control features such as stop lights and speed bumps.

WE RECOMMEND THAT THE PLANNING COMMISSION MAKE THE FOLLOWING FINDINGS

1. That the proposed rezoning request is not consistent with the land use and neighborhood goals, policies and objectives as adopted by the City Council for the subject neighborhood;
2. That the planning and environmental documentation, made part of the public record for this rezoning request, lacks the required analysis to justify a recommendation for approval [with or without conditions] to the City Council; and
3. That based on the aforementioned notations, the Planning Commission should deny said rezoning request.

TIMELINE OVERVIEW

- January 24: Mr. Lofton and Mr. Brown met with Mr. Wilson and Mr. Prewitt
- January 31: After multiple requests Mr. Brown receives packet of renderings from Mr. Prewitt.
- February 1: Mr. Brown sends over information on infill ordinance.
- **1 month gap in correspondence**
- March 1: Mr. Brown sends over contact information for Ron Kowal per request
- March 6: Request from Mr. Wilson to meet again
- March 7: Mr. Brown responds
- March 8: Mr. Wilson responds
- March 8: Mr. Prewitt says unavailable March 12
- March 8 : Mr. Brown proposes March 16th
- March 16: Immediate Neighbors from Pecan Springs Rd. in Mario Heights met with Mr. Wilson and Mr. Prewitt
- March 21: Mr. Brown let Mr. Wilson and Mr. Prewitt know that he told Council Member Houston's office know it was productive meeting and that lines of communication were better than expected. Asked for plans to be sent over.
- March 24: Mr. Wilson sent over sketched drawing of planned layout which was very similar to one already shown at first meeting.
- March 24: Mr. Wilson sent over plans for Grove, Springdale Creek, and Springdale Park and potential conditional overlay language.
- March 24: Mr. Wilson asks for meeting, seems in a hurry.
- March 24: Mr. Brown asks if there is a rush
- March 25: Mr. Prewitt respond that there is no rush.
- March 28: Mr. Brown responds letting Mr. Wilson and Mr. Prewitt the neighbors are trying to find time to meet independently to discuss.
- March 29: Immediate neighbors met. It became abundantly clear that MF-2 is not compatible with neighborhood vision.
- March 30: Mr. Wilson notifies Mr. Brown that Mr. Prewitt was able to secure 5003 Pecan Springs Rd. (Steve Reynolds property) and offers revised layouts.
- April 3: Mr. Wilson sends revised layouts.
- April 7: Mr. Prewitt request a meeting.
- April 12: Mr. Brown notifies Mr. Wilson and Mr. Prewitt that the immediate neighbors will be opposing their zoning change request. Last direct correspondence – never received a response.

Last line of final email sent from Mr. Brown:

- *Unfortunately, we do not see any way MF-2 zoning is compatible with this objective. Consequently, we will be opposing your zoning change request. Our hope is that you will work with the established residents to co-create a common vision for development under the current SF-3 zoning that is compatible with this community and is a win-win for all.*

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov/planning

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2015-0054

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jun 23, 2015, Planning Commission

Aug 13, 2015, City Council

Your Name (please print)

1000 EAST SIXTH LLC
(CAP) DAYLUND

Your address(es) affected by this application

1000 E 6TH ST

☒ I am in favor
☐ I object

Signature

Carol Lund

Date

6-22-15

Daytime Telephone:

512-474-8845

Comments:

~~I support~~

I support

(C)

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2015-0054

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jun 23, 2015, Planning Commission

Aug 13, 2015, City Council

1008 East Sixth LLC

Your Name (please print)

Carl Dwyer

Your address(es) affected by this application

1008 E. 6th St

Signature

Date

Daytime Telephone:

Comments:

☒ I am in favor
☐ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning

Case Number: C14-2015-0054
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Jun 23, 2015, Planning Commission
Aug 13, 2015, City Council

Your Name (please print)

Your address(es) affected by this application

Can I say

Signature

Daytime Telephone:

Comments:

If you use this form to comment, it may be returned to:

**City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810**

KNOWLEDGEABLE
INFLUENTIAL
SOCIAL



June 23, 2015

Meredith Powell
President

Chair, Vice-Chair, Planning Commissioners
City of Austin
301 W. 2nd Street
Austin, Texas 78701

Fred Schmidt
Secretary

Re: Agenda Item #21: SPC-2014-0220A – Megabus; District 1

Barry C. Lewis
Treasurer

Honorable Chair, Vice-Chair, and Commissioners,

Roger L. Cauvin

The Downtown Austin Neighborhood Association (DANA) Board of Directors respectfully requests your support on Item 21, the granting of a conditional use permit for Austin Megabus to use 1500 San Jacinto Boulevard as a transportation terminal.

Matt Easterling

Cid Galindo

DANA has set strategic priorities of improving mobility and quality of place for residents and users of downtown. We believe this will be a positive step in both of these priorities by:

Jude Galligan

- Creating a low-cost intercity bus connection between downtown Austin and other Texas downtowns greatly enhancing mobility, especially for those who do not drive or on a tight budget.
- The parcel is situated on numerous bus routes, including the 7, 10, 20, 37, 100, 663, and various MetroExpress buses. The Guadalupe-Lavaca bus corridor is 3 blocks to the west. These connections allow many passengers to reach the site via public transit.
- The site is currently in disrepair with numerous broken windows broken along with trash and pooled water inside. By occupying the site, Megabus will restore and enhance the original structure becoming a positive addition to the area.
- This is an area of downtown with limited positive street activity. Bringing activity to this site is a first step in bringing positive street life to this area of downtown. Megabus staff will also be on site during all hours of operations improving safety with additional "eyes on the street".

Dan Keshet

Austan Librach

Kay Stowell

Given the above, we ask for your support of Agenda Item #21 in granting the Conditional Use Permit as a boon for transportation and quality of place in downtown Austin.

Respectfully,

Board of Directors
Downtown Austin Neighborhood Association

CSN

Chair
Betty Reinbeck

Commissioners
William D. Darby
Virginia Hermosa
Brant C. Ince
Mike Novak
Jack W. Perry
Alvin Shaw



Executive Director
Harvey Hilderbran

Mailing address:
P. O. Box 13047
Austin, TX 78711-3047
(512) 463-3446
www.tfc.state.tx.us

June 23, 2015

Planning and Development Review Department
Attention: Lynda Courtney, Case Manager
P O Box 1088
Austin, TX 78767

Re: Austin Megabus Case No. SPC-2014-0220A

Dear Ms. Courtney:

The Texas Facilities Commission (TFC) is the state agency charged with providing state agencies with office space and providing a secure work environment for state employees, visitors, and contractors in the Capitol Complex. The proposed location for Austin Megabus at 1500 San Jacinto, Austin, Texas, is within the boundaries of the Capitol Complex. In carrying out TFC's responsibilities to serve the Capitol Complex, the Commission continues to express concerns that the application of Austin Megabus may adversely impact the Capitol Complex and particularly the San Jacinto thoroughfare for the additional reasons that follow:

1. The 84th Legislature authorized the construction of two new state office buildings with parking structures having a combined total exceeding 650,000 square feet that will serve more than 3500 employees. The impact of additional vehicles resulting from the new buildings was not considered in the traffic study prepared for MegaBus by HDR Engineering, Inc.
2. The construction of the Dell Seton Medical Center adds 600,000 square feet of space between the Red River and Trinity corridors. The impact of additional vehicles resulting from the medical center was not considered in the traffic study prepared by HDR Engineering, Inc.
3. TFC's previously expressed concerns in my letter dated May 29, 2015 continue to be of concern regarding the safety risk for passenger pick up and drop off. Neither 15th Street nor San Jacinto will accommodate a line of vehicles stopped in a moving lane where parking is otherwise prohibited.
4. A new safety risk is the maneuvering of buses in and out of the proposed MegaBus location as shown on the traffic study.

If you have any questions, please do not hesitate to contact me.

15

Planning and Development Review Department
Attention: Lynda Courtney, Case Manager
June 23, 2015
Page 2

C21

Sincerely,

TEXAS FACILITIES COMMISSION

By: Steven E. Halpin
Steven E. Halpin

Board Certified, Commercial Real Estate Law
Texas Board of Legal Specialization

Real Estate Attorney
Planning & Real Estate Management Division
Texas Facilities Commission
1711 San Jacinto, 4th Floor
Austin, Texas 78711
(512) 463-8695 Direct
(512) 236-6187 Fax
steven.halpin@tfc.state.tx.us

CU

Megabus – 1500 San Jacinto Blvd.

State Transportation Planning Committee and Texas Facilities Commission

Summary – June 23, 2015

Summary:

The State Transportation Planning Committee (STPC) is not legally authorized to make any decisions either to support or oppose any specific proposal. Individual members are allowed to take information from the STPC discussions back to their own respective agencies for planning purposes only.

There was confusion over the last several months regarding members of the STPC taking a position to not support the Megabus proposal at 1500 San Jacinto. STPC members who had informally discussed the Megabus proposal were not given any information from Megabus at any time. The Department of Public Safety (DPS), who is the Chair of the STPC, offered to allow Megabus to present at their next meeting in August solely to correct that lack of first-hand information.

The statement from Texas Facilities Commission (TFC) to "abide by the decision" of the STPC is another evidence that individual STPC members were not sufficiently informed regarding their authority to act and strict limitations which prohibit the STPC as a whole to either recommend or oppose any proposal.

This confusion has been cleared up by DPS in its letter of June 22, 2015.

The STPC does not, has not, and will not make any decision or recommend any action for or against the Megabus or any other individual proposal.

Supportive Documents:

- 1) **Statement from TFC dated May 15, 2015**
- 2) **Letter from DPS dated June 22, 2015**

On Friday, May 15, 2015 3:23 PM, Maya Ingram <maya.ingram@tfc.state.tx.us> wrote:

Texas Facilities Commission (TFC) was not responsible for the sale of the property and therefore, at this time, takes a neutral position.

As a member of the State Transportation Planning Committee (STPC), TFC will stand by the decision of the committee as a whole.

Maya Ingram, Government Relations Specialist
Texas Facilities Commission
1701 San Jacinto Blvd
Austin, Texas 78701
512-463-9743

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TEXAS DEPARTMENT OF PUBLIC SAFETY



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
ROBERT J. BODISCH, SR.
DEPUTY DIRECTORS

CAPITOL COMPLEX REGION VII
1500 N. CONGRESS, AUSTIN, TX 78701
P.O. BOX 13126, AUSTIN, TX 78711-3126
www.capitol.service@dps.texas.gov
(512) 463-3473



COMMISSIONER
A. CYNTHIA LEON, CHAIR
MANNY FLORES
FAITH JOHNSON
STEVEN P. MACH
RANDY WATSON

June 22, 2015

Mr. Ray Allen, Partner
GovBiz Partners
1301 Nueces Street, Suite 200
Austin, TX 78701

Dear Mr. Allen:

Thank you for contacting the Texas Department of Public Safety regarding your opinion, or concern, that the State Transportation Planning Committee has made a determination regarding the approval, or placement, of a bus terminal on private property in the Capitol Complex.

The Department of Public Safety (DPS) has not taken any position regarding this matter. The State Transportation Planning Committee (STPC), for which DPS serves as the Chair, has not taken any action to approve, or disapprove, the terminal. To the extent that there are meeting minutes that reflect discussion of the item, that discussion should not be interpreted as any sort of action, or that there has been an actual review, other than an informal discussion among the Members.

The State Transportation Planning Committee does not have formal approval authority by statute, and does not make decisions for, or against, particular issues. By statute, the STPC gathers information and makes recommendations to Member agencies to better enable its member agencies to develop and plan transportation matters around the Capitol Complex.

Below is the relevant Government Code, Chapter 411 statute:

"§ 411.0645. Transportation Planning Committee. (a) The department, the City of Austin, the Capital Metropolitan Transportation Authority, the General Services Commission, the State Preservation Board, and The University of Texas at Austin shall each designate a representative to a committee established for the purpose of coordinating transportation in and adjacent to the Capitol Complex. The representative of the department shall convene the initial meeting of the committee, and the committee shall elect officers and meet as decided by the committee.

150

CU

Mr. Ray Allen, Partner
GovBiz Partners
June 22, 2015
Page 2

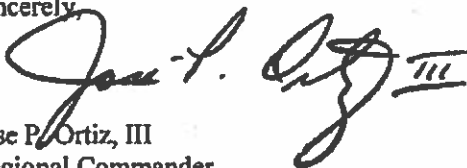
(b) The committee may develop and recommend to the agencies represented agreements and memoranda of understanding relating to transportation in and adjacent to the Capitol Complex, including agreements or understandings relating to parking, vehicle traffic, and the location of light rail or other mass transit terminals and facilities in that area.

Added by Acts 1997, 75th Leg., ch. 270, § 6, eff. May 26, 1997."

The most recent action on the bus terminal issue by the State Transportation Planning Committee has been to set the item for discussion at the next meeting, and invite additional information and comment from interested stakeholders, such as yourself, that have contacted Committee Members, so that the transportation impact on the Capitol Complex can be better understood. We recognize your venture may impact the Capitol Complex, and our job is to make recommendations back to the Member agencies regarding the matter.

Thank you for contacting us with your concerns.

Sincerely,



Jose P. Ortiz, III
Regional Commander
Texas Department of Public Safety

JPO:laf

c: Steven C. McCraw, Director
David G. Baker, Deputy Director, Law Enforcement Operations
Robert J. Bodisch, Sr., Deputy Director, Homeland Security & Services
Phil Adkins, General Counsel, Office of General Counsel

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10

Conditions for Megabus Conditional Use Permit

6-23-15

C21

Facility will be staffed during operational hours.

Megabus will use an alternate location during special events that include road closures.

Megabus will install 'no parking' and 'will tow' signs throughout the site and where requested by adjacent property owners and will educate customers on appropriate and legal places to park nearby.

Megabus will adhere to the City's idling regulations and will load/unload buses on the east side of the existing building, in front of the canopy.

No more than 1 bus will be scheduled to arrive on the site at a time.

All automobiles will exit the site onto 15th Street.

Indoor seating will be provided on site.

Indoor restrooms will be provided on site.

The existing structure will be renovated and maintained.

Megabus will not use a public address system or any amplified sound.

The hours of operation will be 6am to midnight.

Megabus agrees to close the east driveway on 15th Street (the one closest to the corner) with planters, but will maintain other driveways as they currently exist.

Megabus agrees to install striping and bollards to provide directional control of vehicles.

Between 4:00pm and 6:00pm buses are prohibited.

INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:
<https://www.municode.com/library/tx/austin>

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the case manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2011-0185C(XT2)

Contact: Christine Barton-Holmes, 512-974-2788 or
 Cindy Casillas, 512-974-3437

cah

☒ I meet the requirements for and request to be an interested party

Name (please print) Kathy Wittig

Telephone number 512-288-1920

9100 Claxton Drive Austin, TX 78736
 Address(es) affected by this application (Street, City, ZIP Code)

Same

Mailing address (Street, City, ZIP Code)

Kathy Wittig
 Signature

6/2/2015
 Date

Comments: In a rural residential area, this entity has and will disrupt the enjoyment of nature - quiet, dark, wild life - that most of this population anticipated when choosing to live in this area. I have been here since 1978 and protest any more construction.

Mail comment forms to:

City of Austin

Development Services Department

Attn: Christine Barton-Holmes

P. O. Box 1088

Austin, TX 78767-1088

INTERESTED PARTY INFORMATION

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Case Number: SP-2011-0185C(XT2)

Contact: Christine Barton-Holmes, 512-974-2788 or
Cindy Casillas, 512-974-3437

☒ I meet the requirements for and request to be an interested party

WILLIAM FOSTER 512-771-2754

Name (please print) Telephone number

9103 CLAYTON DR. AUSTIN TX 78736

Address(es) affected by this application (Street, City, ZIP Code)

SAME AS ABOVE

Mailing address (Street, City, ZIP Code)

William Foster

Signature

6/6/15

Date

Comments: I am against any development in this area that changes the nature of it. This is a rural neighborhood with a community over forty years old. We treasure our quiet surroundings, our dark sky and friendly community. It is no place for broadcasting towers.

message!

City of Austin

Development Services Department

Attn: Christine Barton-Holmes

P. O. Box 1088

Austin, TX 78767-1088

William Foster

INTERESTED PARTY INFORMATION

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Case Number: SP-2011-0185C(XT2)

Contact: Christine Barton-Holmes, 512-974-2788 or

Cindy Casillas, 512-974-3437

☒ I meet the requirements for and request to be an interested party

Vickie Dodson

Name (please print)

(512) 750-3726

Telephone number

9202 Claxton Drive and adjoining lot (lots 19 & 20 Westview Estates)
Address(es) affected by this application (Street, City, ZIP Code) Section 3)

9202 Claxton Drive, Austin, TX. 78736

Mailing address (Street, City, ZIP Code)

Vickie Dodson

Signature

6/5/2015

Date

Comments: I have some concerns that this structure may cause flooding and runoff on my property. During periods of heavy rain there is runoff from the stock tank that was the Warrel tract's stock-tank. The volume of runoff is funneled through lots 19 and 20 I own to lot 21. The volume can be gauged by the size of culverts needed on lot 21. I don't want my land to become

Mail comment forms to:

City of Austin

Development Services Department

Attn: Christine Barton-Holmes

P. O. Box 1088

Austin, TX 78767-1088

unusable just so they can have a chapel. Thank you -

